

Liza M. Walsh  
Katelyn O'Reilly  
William T. Walsh, Jr.  
Walsh Pizzi O'Reilly Falanga LLP  
Three Gateway Center  
100 Mulberry Street, 15th Floor  
Newark, NJ 07102  
(973) 757-1100

*Attorneys for Plaintiffs*  
Teva Branded Pharmaceutical  
R&D Inc. and Norton (Waterford) Ltd.

Gregory D. Miller  
Gene Y. Kang  
RIVKIN RADLER LLP  
25 Main Street, Suite 501  
Court Plaza North  
Hackensack, NJ 07601

*Attorneys for Defendant Cipla Ltd.*

Christopher Casieri  
MCNEELY, HARE & WAR LLP  
12 Roszel Road, Suite C104  
Princeton, NJ 08540

William D. Hare  
MCNEELY, HARE & WAR LLP  
5355 Wisconsin Ave., Suite 440  
Washington, DC 20015

*Attorneys for Defendants Aurobindo Pharma  
LLC, Aurobindo Pharma USA, Inc., and  
Aurolife Pharma LLC*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TEVA BRANDED PHARMACEUTICAL PRODUCTS R&D, INC., and NORTON (WATERFORD) LTD.,	:	Consolidated Civil Action No. 20-10172 (JXN)(MAH)
Plaintiffs,	:	CONFIDENTIAL – SUBJECT TO DISCOVERY CONFIDENTIALITY ORDER
v.	:	
CIPLA LTD., AUROBINDO PHARMA LLC, AUROBINDO PHARMA USA, INC., and AUROLIFE PHARMA LLC,	:	
Defendants.	:	

**[PROPOSED] JOINT PRETRIAL ORDER**

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A final pretrial conference having been held before the Honorable Michael A. Hammer, U.S.M.J., and Walsh Pizzi O'Reilly Falanga LLP and Williams & Connolly LLP having appeared for Plaintiffs Teva Branded Pharmaceutical Products R&D, Inc. and Norton (Waterford) Ltd. (collectively, "Plaintiffs" or "Teva"); Rivkin Radler LLP and Knobbe, Martens, Olson & Bear, LLP having appeared for Defendant Cipla Ltd. ("Cipla"); and McNeely Hare & War LLP having appeared for Defendants Aurobindo Pharma Ltd., Aurobindo Pharma USA, Inc., and Aurolife Pharma LLC (collectively, "Aurobindo")<sup>1</sup>, the following Final Pretrial Order is hereby entered:

**1. THE '156 PATENT**

All claims relating to U.S. Patent No. 10,086,156 (the "'156 Patent") have been dismissed from this case as between Teva and Aurobindo. As between Teva and Cipla, the parties dispute whether the '156 Patent properly remains in the case. Teva asserts that the Court lacks jurisdiction to adjudicate any claims relating to the '156 patent, as articulated in its motion to dismiss. D.I. 195-196. Cipla disagrees, and asserts jurisdiction is proper.

**2. JURISDICTION**

This is an action for patent infringement under 35 U.S.C. § 271 and for declaratory and injunctive relief. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a). This Court has authority to grant declaratory relief under 28 U.S.C. §§ 2201 and 2202.

The parties do not dispute personal jurisdiction or venue for the purposes of this action only.

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<sup>1</sup> Cipla and Aurobindo are herein collectively referred to as "Defendants."

### **3. PENDING/CONTEMPLATED MOTIONS**

The parties' disputes regarding claim construction remain pending; briefing is complete, the Court held a claim construction hearing on November 30, 2021, and the parties are awaiting the Court's ruling.

Pursuant to the Court's order of September 7, 2022, Teva filed two motions in limine and supporting papers on September 12, 2022 (D.I. 165-168); and Defendants filed one motion in limine and supporting papers on the same date (D.I. 163-164). The parties' filed oppositions and supporting papers on September 23, 2022 (D.I. 174-176); and replies on September 28, 2022 (D.I. 177-179).

To streamline its presentation of proof as to U.S. Patent No. 9,808,587, Teva has informed Defendants that it will present evidence that Defendants infringe only claims 1-8 and 12 thereof, and that Teva does not intend to present evidence that Defendants infringe claims 11 and 13-22 thereof. Teva respectfully submits that Defendants' motion in limine (D.I. 163-164) is therefore moot, because that motion was directed only to claims 13-22 of the '587 patent. Teva's motions remain pending as of this filing date. The parties did not file Daubert motions.

### **4. THE PARTIES' CONTENTIONS**

#### **Asserted Claims.**

Teva asserts that Defendants infringe the following Asserted Claims:

- Claims 1-8 of U.S. Patent No. 9,463,289;
- Claims 1-8 and 12 of U.S. Patent No. 9,808,587; and
- Claims 1, 27, and 28 of U.S. Patent No. 10,561,808.

#### **Accused Products.**

Teva accuses the products described in Cipla's ANDA No. 211434 and Aurobindo's ANDA No. 214418 of infringing the Asserted Claims.

**Doctrine of Equivalents.**

**Teva's Position:**

Teva may rely on the doctrine of equivalents to establish infringement of certain claims. The identity of those claims depends upon the Court's claim construction decision. In the absence of a claim construction order, Teva's expert opined that Defendants' ANDA Products infringed each of the Asserted Claims under the doctrine of equivalents. Teva's expert will be prepared to present testimony consistent with those opinions at trial. Should the Court's claim construction decision obviate or otherwise alter Teva's need to assert infringement under the doctrine of equivalents, Teva will promptly identify within 10 days the claims for which its infringement theory depends on the doctrine of equivalents upon receipt of that order.

**Defendants' Position:**

The Parties agreed upon a procedure for exchanging pre-trial documents and positions, which did not include any agreement that Plaintiffs could delay their disclosure of claims for which they may rely on the doctrine of equivalents. Accordingly, because Plaintiffs failed to identify any allegations of infringement under the doctrine of infringement, they have waived the right to rely on any argument that Defendants infringe an Asserted Claim under the doctrine of equivalents.

However, if the Court allows Plaintiffs to belatedly identify doctrine of equivalents theories, Defendants should be provided 10 days from Plaintiffs' identification of infringement theories depending on the doctrine of equivalents to amend this Final Pretrial Order to address Plaintiffs belated identification of doctrine of equivalence theories, including to identify contested and undisputed facts relevant to prosecution history estoppel, claim vitiation, ensnarement, and Plaintiffs' function, way, result or insubstantial differences analyses.

**Infringement Theory.**

Teva's infringement theories are theories of direct infringement. Teva does not assert any theory of indirect infringement.

**Type of Damages.**

Teva seeks declaratory and injunctive relief, as well as award of attorney's fees and costs. Specifically, as to Cipla, Teva seeks:

- A declaration and judgment that Cipla infringes the Asserted Claims of the '289, '587, and '808 Patents.
- A declaration and judgment that the Asserted Claims of the '289, '587, and '808 Patents are not invalid.
- An order, under 35 U.S.C. § 271(e)(4)(A), that the effective date of the U.S. Food & Drug Administration's ("FDA's") approval of Cipla's ANDA shall be a date not earlier than the latest expiration date of the '289, '587, and '808 Patents, including any adjustments, extensions, or exclusivities.
- An injunction, under 35 U.S.C. §§ 271(e)(4)(B) and 283, prohibiting Cipla and its officers, agents, servants, and employees from manufacturing, using, offering for sale, selling, or importing into the United States Cipla's ANDA Product prior to the latest expiration date of the '289, '587, and '808 Patents, including any adjustments, extensions, or exclusivities.
- An award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.
- An award of costs under Federal Rule of Civil Procedure 54(d)(1).

Specifically, as to Aurobindo, Teva seeks:

- A declaration and judgment that Aurobindo infringes the Asserted Claims of the '289, '587, and '808 Patents.
- A declaration and judgment that the Asserted Claims of the '289, '587, and '808 Patents are not invalid.
- An order, under 35 U.S.C. § 271(e)(4)(A), that the effective date of Aurobindo's ANDA shall be a date that is not earlier than the latest expiration date of the '289, '587, and '808 Patents, including any adjustments, extensions, or exclusivities.

- An injunction, under 35 U.S.C. §§ 271(e)(4)(B) and 283, prohibiting Aurobindo and its officers, agents, servants, and employees from manufacturing, using, offering for sale, selling, or importing into the United States Aurobindo's ANDA Product prior to the latest expiration date of the '289, '587, and '808 Patents, including any adjustments, extensions, or exclusivities.
- An award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.
- An award of costs under Federal Rule of Civil Procedure 54(d)(1).

Cipla seeks the following relief:

- A declaration and judgment that the manufacture, import, use, sale, and or/offer to sell Cipla's ANDA Product, has not, does not, and will not infringe (literally or under the doctrine of equivalents) any asserted claim of the '289, '587, '156, and '808 Patents.
- A declaration and judgment that each asserted claim of the '289, '587, '156, and '808 Patents is invalid.
- A declaration and judgment that Cipla has the lawful right to manufacture, import, use, sell, and/or offer to sell Cipla's ANDA Product in the United States following approval from the FDA.
- An injunction prohibiting Plaintiffs and their agents, representatives, attorneys, and those persons in active concert or participation with them be preliminarily and permanently enjoined from threatening or initiating litigation alleging infringement of the '289, '587, '156, and '808 Patents against Cipla or any of its customers, dealers, or supplies, or any prospective or present sellers, dealers, distributors, or customers, or charging them, orally or in writing, with infringement of the '289, '587, '156, and '808 Patents.
- An award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.
- An award of costs under Federal Rule of Civil Procedure 54(d)(1).

Aurobindo seeks the following relief:

- A declaration and judgment that the manufacture, import, use, sale, and or/offer to sell Aurobindo's ANDA Product, has not, does not, and will not infringe (literally or under the doctrine of equivalents) any asserted claim of the '289, '587, and '808 Patents.
- A declaration and judgment that each asserted claim of the '289, '587, and '808 Patents is invalid.

- A declaration and judgment that Aurobindo has the lawful right to manufacture, import, use, sell, and/or offer to sell Aurobindo's ANDA Product in the United States following approval from the FDA.
- An injunction prohibiting Plaintiffs and their agents, representatives, attorneys, and those persons in active concert or participation with them be preliminarily and permanently enjoined from threatening or initiating litigation alleging infringement of the '289, '587, and '808 Patents against Aurobindo or any of its customers, dealers, or supplies, or any prospective or present sellers, dealers, distributors, or customers, or charging them, orally or in writing, with infringement of the '289, '587, and '808 Patents.
- An award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.
- An award of costs under Federal Rule of Civil Procedure 54(d)(1).

### **“Objective Indicia.”**

Teva asserts that numerous objective indicia of non-obviousness support the patentability of the Asserted Claims, specifically:

- Long-felt, Unmet Need;
- Failure of Others;
- Industry Acceptance;
- Praise; and
- Copying.

Defendants dispute that any asserted objective indicia of non-obviousness support the patentability of the Asserted Claims.

### **5. STIPULATION OF FACTS**

#### **Definitions Applicable to Stipulation of Facts**

1. As used herein, the term “Cipla” means Cipla Ltd.
2. As used herein, the term “Aurobindo” means Aurobindo Pharma Ltd., Aurobindo Pharma USA, Inc. and Aurolife Pharma LLC.
3. As used herein, the term “Defendants” means Cipla and Aurobindo.

4. As used herein, the terms “Teva” and “Plaintiffs” mean Teva Branded Pharmaceutical Products R&D, Inc. and Norton (Waterford) Ltd.

5. As used herein, the term “Cipla’s ANDA Product” means the products described in Cipla’s ANDA No. 211434 and any supplements or amendments thereto.

6. As used herein, the term “Aurobindo’s ANDA Product” means the products described in Aurobindo’s ANDA No. 214418 and any supplements or amendments thereto.

7. As used herein, the term “Defendants’ ANDA Products” means Cipla’s ANDA Product and Aurobindo’s ANDA Product.

8. As used herein, the term “the ’289 Patent” means U.S. Patent No. 9,463,289.

9. As used herein, the term “the ’587 Patent” means U.S. Patent No. 9,808,587.

10. As used herein, the term “the ’156 Patent” means U.S. Patent No. 10,086,156.

11. As used herein, the term “the ’808 Patent” means U.S. Patent No. 10,561,808.

12. As used herein, the term “Asserted Patents” means the ’289 Patent, the ’587 Patent, and the ’808 Patent.

13. As used herein, the term “Asserted Claims” means the Asserted Claims set forth in Section 4.

### **Undisputed Facts**

1. Teva holds all rights, title, and interest in each of the Asserted Patents.

2. Each of the Asserted Patents is listed in the FDA’s Approved Products with Therapeutic Equivalents (“Orange Book”) in connection with Teva’s Qvar® HFA with Dose Counter drug product.

3. Each of Defendants’ ANDA Products comprises an inhaler for metered dose inhalation.

4. The inhaler of each of Defendants’ ANDA Products comprises a main body having a canister housing.

5. The inhaler of each of Defendants’ ANDA Products comprises a medicament canister.

6. The medicament canister of each of Defendants’ ANDA Products is moveable relative to the canister housing.

7. The medicament canister of each of Defendants’ ANDA Products is retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

8. Each of Defendants' ANDA Products comprises a dose counter.
9. The canister housing of each of Defendants' ANDA Products has an inner wall.
10. The inner wall of the canister housing of each of Defendants' ANDA Products has a plurality of ribs.
11. The canister housing of each of Defendants' ANDA Products has a longitudinal axis X which passes through the center of the central outlet port.
12. The medicament canister of each of Defendants' ANDA Products is moveable relative to the dose counter.
13. Each of Defendants' ANDA Products comprises a dose counter for a metered dose inhaler.
14. Each of Defendants' ANDA Products comprises a metered dose inhaler having a body arranged to retain a medicament canister of predetermined configuration for movement of the medicament canister relative thereto, the medicament canister containing an active drug.
15. Each of Defendants' ANDA Products comprises a dose counter for an inhaler.
16. For purposes of this action only, the parties agree that the following references qualify as prior art to the Asserted Claims:
  - a. PTX-097, Fink et al., *Problems with Inhaler Use: A Call for Improved Clinician and Patient Education*, *Respir. Care*, 50(10):1360-1375 (2005) ("Fink 2005"), a copy of which has been produced at CIPLA-BDI\_0184184-95.
  - b. PTX-122, Ogren et al., *How Patients Determine When to Replace Their Metered Dose Inhalers*, *Annals Allergy, Asthma & Immunology*, 75:485-498 (Dec. 1995) ("Ogren 1995"), a copy of which has been produced at TEVADOC-00000011-15.
  - c. PTX-125, Sander et al., *Dose Counting and the Use of Pressurized Metered-Dose Inhalers: Running on Empty*, *Annals Allergy, Asthma & Immunology*, 97:34-38 (Jul. 2006) ("Sander 2006"), a copy of which has been produced at TEVADOC-00000046-50.
  - d. PTX-137, Hess, *Aerosol Delivery Devices in the Treatment of Asthma*, *Respir. Care*, 53(6):699-723 (2008) ("Hess 2008"), a copy of which has been produced at TEVADOC-00000379-405
  - e. PTX-138, Holt et al., *Metered Dose Inhalers: A Need for Dose Counters*, *Respirology*, 10:105-106 (2005) ("Holt 2005"), a copy of which has been produced at TEVADOC-00000406-07.
  - f. PTX-160, Williams et al., *The Doser External Counting Device*, *Chest*, 116(5):1499 (1999) ("Williams 1999"), a copy of which has been produced at TEVADOC-00000744.

g. PTX-402, U.S. Food & Drug Admin, Guidance for Industry, Integration of Dose-Counting Mechanisms Into MDI Drug Products (Mar. 2003) (“FDA Guidance 2003”), a copy of which has been produced at TEVAQVAR-00032573-79.

h. DX-161, International Patent Publication No. WO 2007/124406 (“the ’406 Publication”), a copy of which has been produced at CIPLA-BDI\_0184003-99.

i. DX-162, International Patent Publication No. WO 2008/119552 (“the ’552 Publication”), a copy of which has been produced at CIPLA-BDI\_0184693-720.

j. DX-165, International Patent Publication No. WO 2003/101514 (“the ’514 Publication”), a copy of which has been produced at CIPLA-BDI\_0184421-469.

k. DX-155, United States Patent Application Publication No. US 2002/0047021 (“the ’021 Publication”), a copy of which has been produced at CIPLA-BDI\_0184944-73.

l. DX-174, U.S. Design Patent No. D416,998 (“the ’998 Patent”), a copy of which has been produced at CIPLA-BDI\_0184391-95, issued on November 23, 1999.

m. DX-159, United States Patent Application Publication No. US 2002/0078950 (“the ’950 Publication”), a copy of which has been produced at CIPLA-BDI\_0184200-213.

n. DX-153, United States Patent Application Publication US 2006/0289008 (“the ’008 Publication”), a copy of which has been produced at CIPLA-BDI\_0184315-328.

o. DX-137, United States Patent No. 4,817,822 (“the ’822 Patent”), a copy of which has been produced at CIPLA-BDI\_0184347-356.

p. DX-138, United States Patent No. 7,407,066 (“the ’066 Patent”), a copy of which has been produced at CIPLA-BDI\_0184372-378.

q. DX-148, United States Patent No. 6,446,627 (“the ’627 Patent”), a copy of which has been produced at CIPLA-BDI\_0156580-594.

r. DX-139, United States Patent No. 8,584,668 (“the ’668 Patent”), a copy of which has been produced at CIPLA-BDI\_018379-390.

s. DX-172, International Patent Publication No. WO 2004/060260 (“the ’260 Publication”).

t. DX-163, United States Patent Publication No. US 2005/0087191 (“the ’191 Publication”).

u. DX-164, International Patent Publication No. WO 2007/103712 (“the ’712 Publication”).

v. DX-166, European Patent Publication No. EP 1,369,139 (“the ’139 Publication”), a copy of which has been produced at CIPLA-BDI\_0184888-912.

w. DX-167, United Kingdom Patent Publication No. GB 2,320,489 (“GB ’489”), a copy of which has been produced at CIPLA-BDI\_0184913-943.

x. DX-152, United States Patent Application Publication No. US 2005/0209558 (“the ’558 Publication”), a copy of which has been produced at CIPLA-BDI\_0184988-5008.

y. DX-168, United Kingdom Patent No. GB 994,755 (“the ’755 Patent”), a copy of which has been produced at CIPLA-BDI\_0184742-746.

z. DX-169, European Patent Publication No. EP 1,321,159 (“the ’159 Publication”), a copy of which has been produced at CIPLA-BDI\_0184759-779.

aa. DX-170, International Patent Publication No. WO 2006/126965 (“the ’965 Publication”), a copy of which has been produced at CIPLA-BDI\_0184554-593.

bb. DX-154, United States Patent Application Publication No. US 2007/0277817 (“the ’817 Publication”), a copy of which has been produced at CIPLA-BDI\_0184329-337.

cc. DX-171, International Patent Application No. WO 2005/113044 (“the ’044 Publication”), a copy of which has been produced at CIPLA-BDI\_0184507-553.

dd. DX-083, *Metered Dose Inhalers: Actuators Old and New*, Expert Opin. Drug Deliv., 4(3):235-245 (2007) (“Lewis 2007”).

ee. DX-156, United States Patent Application Publication No. US 2006/0107949 (“the ’949 Publication”), a copy of which has been produced at CIPLA-BDI\_0184291-314.

ff. DX-157, United States Patent Application Publication No. US 2007/0062518 (“the ’518 Publication”), a copy of which has been produced at CIPLA-BDI\_0185009-061.

gg. DX-158, United States Patent Application Publication No. US 2007/0210102 (“the ’102 Publication”), a copy of which has been produced at 0185277-291.

## 6. **CONTESTED FACTS**

- **Teva:** See attached Exhibit A.
- **Defendants:** See attached Exhibit B.

## 7. **WITNESSES**

- **Teva:**

- Witnesses to be called in person:
  - Declan Walsh
  - Jeffrey Karg
  - Dr. David Lewis (expert witness, see below)
  - Dr. Reynold Panettieri (expert witness, see below)
- Witnesses to be called by deposition:
  - Priyanka Bajpayee
  - Deborah Carr
  - Jay Holt
  - [REDACTED]
  - Kiran Rote
- Evidence by Written Answer:
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]
  - [REDACTED]

- **Defendants:**

- Witnesses who may be called in person:
  - Kiran Rote
  - Jay Holt
  - Deborah Carr
  - Gregor Anderson (expert witness, see below)
- Witnesses to be called by deposition:
  - Declan Walsh
  - Jeffrey Karg
  - [REDACTED]

## **8. EXPERT WITNESSES**

If any hypothetical questions are to be put to an expert witness on direct examination, they shall be written in advance and submitted to the court and counsel prior to commencement of trial except that to the extent an expert witness intends to provide opinions from the perspective of a hypothetical person of ordinary skill in the art, the parties are not required to provide questions meant to elicit those opinions so long as the opinions are clearly disclosed in the expert's reports in this matter.

The parties stipulate to the qualifications of the below-listed experts.

- **Teva:**

- Dr. David Lewis
  - Dr. Lewis's qualifications are summarized in the attached report section and curriculum vitae.
- Dr. Reynold Panettieri
  - Dr. Panettieri's qualifications are summarized in the attached report section and curriculum vitae.

- **Defendants:**

- Gregor Anderson

- Mr. Anderson's qualifications are summarized in the attached report section and curriculum vitae.

## **9. DEPOSITIONS**

- **Teva:** See attached Exhibit C.
  - i. Priyanka Bajpayee (Cipla)
  - ii. Deborah Carr (Aurobindo)
  - iii. Jay Holt (Aurobindo)  
[REDACTED]  
[REDACTED]
  - v. Kiran Rote (Cipla)
- **Defendants:** See Attached Exhibit D.
  - i. Declan Walsh (Teva)
  - ii. Jeffrey Karg (Radius)  
[REDACTED]  
[REDACTED]

## **10. EXHIBITS**

Any party may use an exhibit that is listed on the other party's exhibit list, to the same effect as though it were listed on its own exhibit list, subject to all evidentiary objections.

- **Teva:** See Attached Exhibit E.
- **Defendants:** See Attached Exhibit F.

## **11. SINGLE LIST OF LEGAL ISSUES**

All issues shall be set forth below. The parties need not agree on any issue, and the inclusion of an issue shall not be construed as an admission that it is properly presented.

1. Whether Cipla's submission of Cipla's ANDA infringes the Asserted Claims under 35 U.S.C. § 271(e)(2)(A).
2. Whether Aurobindo's submission of Aurobindo's ANDA infringes the Asserted Claims under 35 U.S.C. § 271(e)(2)(A).
3. Whether the commercial use, manufacture, sale, offer for sale, or importation into the United States of Cipla's ANDA Products would infringe the Asserted Claims under 35 U.S.C.

§ 271(a).

4. Whether the commercial use, manufacture, sale, offer for sale, or importation into the United States of Aurobindo's ANDA Products would infringe the Asserted Claims under 35 U.S.C. § 271(a).

5. Whether Teva's allegations of infringement of claims 3 of the '289 Patent and claims 3 and 13 of the '587 patent under the doctrine of equivalents improperly vitiate the "inner wall" limitation.

6. Whether Teva's allegations of infringement under the doctrine of equivalents improperly ensnare the '406 Publication.

7. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims are anticipated under 35 U.S.C. § 102 based on the following grounds:

a. Whether Defendants have proven by clear and convincing evidence that claims 1-3 of the '289 Patent are anticipated by International Patent Publication No. WO 2007/124406 (the "'406 Publication").

b. Whether Defendants have proven by clear and convincing evidence that claims 1-3 and 12 of the '587 Patent are anticipated by the '406 Publication.

c. Whether Defendants have proven by clear and convincing evidence that claims 1 and 4-8 of the '289 Patent are anticipated by International Patent Publication No. WO 2003/101514 (the "'514 Publication").

d. Whether Defendants have proven by clear and convincing evidence that claims 1, 4-8, and 11-12 of the '587 Patent are anticipated by the '514 Publication.

e. Whether Cipla has proven by clear and convincing evidence that claims 1, 9 and 11-13 of the '156 Patent are anticipated by U.S. Patent Application Publication No. 2002/0047021 (the "'021 Publication").

f. Whether Cipla has proven by clear and convincing evidence that claims 1, 9, and 11-12 of the '156 Patent are anticipated by International Patent Publication No. WO 2008/119552 (the "'552 Publication").

g. Whether Defendants have proven by clear and convincing evidence that claim 1 of the '808 Patent is anticipated by the '552 Publication.

h. Whether Defendants have proven by clear and convincing evidence that claim 1 of the '808 Patent is anticipated by U.S. Patent Application Publication No. 2002/0078950 (the "'950 Publication").

8. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims would have been obvious under 35 U.S.C. § 103(a) based on the following grounds:

a. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '289 and '587 Patents would have been obvious over the '406 Publication in combination with the knowledge of the POSA.

b. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '289 and '587 Patents would have been obvious over the '514 Publication in combination with the '406 Publication.

c. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '289 and '587 Patents would have been obvious over the '021 Publication in combination with the knowledge of the POSA.

d. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '289 and '587 Patents would have been obvious over the '514 Publication in combination with the '021 Publication.

e. Whether Cipla has proven by clear and convincing evidence that claims 1, 9, and 11-13 of the '156 Patent would have been obvious over the '552 Publication in combination with the knowledge of the POSA.<sup>2</sup>

f. Whether Cipla has proven by clear and convincing evidence that the claims 1, 9, and 11-13 of the '156 Patent would have been obvious over the '406 Publication in combination with the knowledge of the POSA.

g. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '808 Patent would have been obvious over the '552 Publication in combination with the knowledge of the POSA.

h. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '808 Patent would have been obvious over the '950 Publication in combination with the knowledge of the POSA.

i. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '808 Patent would have been obvious over the '406 Publication in combination with the knowledge of the POSA.

9. Whether Cipla has proven by clear and convincing evidence that claim 12 of the '156 Patent is invalid because the term "the body" is indefinite under 35 U.S.C. § 112 ¶ 2.

10. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '808 Patent are invalid under 35 U.S.C. § 112 ¶ 1 under Teva's proposed construction of the term "counter display arranged to indicate dosage information" because the

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<sup>2</sup> Teva understands Cipla intends to contest certain legal issues regarding the '156 Patent. Teva's position, which it does not intend to waive by submitting this pretrial statement, is that the court lacks jurisdiction to adjudicate any claims related to the '156 Patent.

term lacks adequate written description support under that construction.

11. Whether Defendants have proven by clear and convincing evidence that the Asserted Claims of the '808 Patent are invalid under 35 U.S.C. § 112 ¶ 1 under Teva's proposed construction of the term "counter display arranged to indicate dosage information" because the term lacks adequate enablement support under that construction.

12. Whether Teva is entitled to a declaration and judgment that Aurobindo and Cipla infringe the Asserted Claims.

13. Whether Cipla is entitled to a declaration and judgment that Cipla does not infringe the Asserted Claims as well as claims 1, 9, and 11-13 of the '156 patent.

14. Whether Aurobindo is entitled to a declaration and judgment that Aurobindo does not infringe the Asserted Claims.

15. Whether Teva is entitled to a declaration and judgment that the Asserted Claims of are not invalid.

16. Whether Defendants are entitled to a declaration and judgment that the Asserted Claims are invalid.

17. Whether Cipla is entitled to a declaration and judgment that claims 1, 9, and 11-13 of the '156 patent are invalid.

18. Whether Teva is entitled to an order, under 35 U.S.C. § 271(e)(4)(A), that the effective date(s) of FDA's approval of Aurobindo's and Cipla's ANDAs shall be a date not earlier than the latest expiration date of the '289, '587, and '808 Patents, including any adjustments, extensions, or exclusivities.

19. Whether Cipla is entitled to a declaration and judgment that Cipla has the lawful right to manufacture, import, use, sell, and/or offer to sell Cipla's ANDA Product in the United States following approval from FDA.

20. Whether Aurobindo is entitled to a declaration and judgment that Aurobindo has the lawful right to manufacture, import, use, sell, and/or offer to sell Aurobindo's ANDA Product in the United States following approval from FDA.

21. Whether Teva is entitled to an injunction, under 35 U.S.C. §§ 271(e)(4)(B) and 283, prohibiting Aurobindo and Cipla and their officers, agents, servants, and employees from manufacturing, using, offering for sale, selling, or importing into the United States Aurobindo's and Cipla's ANDA Products prior to the latest expiration date of the '289, '587, and '808 Patents, including any adjustments, extensions, or exclusivities.

22. Whether Cipla is entitled to an injunction that Plaintiffs and their agents, representatives, attorneys, and those persons in active concert or participation with them be preliminarily and permanently enjoined from threatening or initiating litigation alleging infringement of the '289, '587, '156, and '808 Patents against Cipla or any of its customers,

dealers, or supplies, or any prospective or present sellers, dealers, distributors, or customers, or charging them, orally or in writing, with infringement of the '289, '587, '156, and '808 Patents.

23. Whether Aurobindo is entitled to an injunction that Plaintiffs and their agents, representatives, attorneys, and those persons in active concert or participation with them be preliminarily and permanently enjoined from threatening or initiating litigation alleging infringement of the '289, '587, and '808 Patents against Aurobindo or any of its customers, dealers, or supplies, or any prospective or present sellers, dealers, distributors, or customers, or charging them, orally or in writing, with infringement of the '289, '587, and '808 Patents.

24. Whether Teva is entitled to an award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.

25. Whether Teva is entitled to an award of costs under Federal Rule of Civil Procedure 54(d)(1).

26. Whether Cipla is entitled to an award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.

27. Whether Cipla is entitled to an award of costs under Federal Rule of Civil Procedure 54(d)(1).

28. Whether Aurobindo is entitled to an award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.

29. Whether Aurobindo is entitled to an award of costs under Federal Rule of Civil Procedure 54(d)(1).

## **12. PROPOSED FACTS FOR JUDICIAL NOTICE**

- See attached Exhibit G.

## **13. MISCELLANEOUS**

### **Presentation of Evidence.**

The parties have agreed that the order of the presentation of evidence will follow the burden of proof as follows:

<b><u>Phase</u></b>	<b><u>Description</u></b>
Phase I	Teva's presentation of Asserted Patents and case-in-chief on infringement.
Phase II	Defendants' response on infringement and case-in-chief on invalidity.
Phase III	Teva's response on invalidity and case-in-chief on objective indicia of non-obviousness.

Phase IV	Defendants' response on any objective indicia of non-obviousness asserted by Teva.
----------	--

### **Deadlines for Exchanging Witnesses and Objections.**

The parties have agreed to the following procedures and deadlines for exchanging witnesses and objections to witnesses.

<b><u>Exhibit/Demonstrative</u></b>	<b><u>Exchange Deadline</u></b>	<b><u>Objection Deadline</u></b>
Live witness testimony	8:00 PM ET, two days before the intended testimony	
Affirmatively designated deposition testimony/testimony by written response	8:00 PM ET, three days before the intended testimony	7:00 PM ET, two days before the intended use
Counter-designated deposition testimony	7:00 PM ET, two days before the intended testimony	7:00 PM ET, one day before the intended testimony
Counter-counter designated deposition testimony	7:00 PM ET, one day before the intended testimony	9:00 PM ET, one day before the intended testimony

### **Deadlines for Exchanging Exhibits and Demonstratives and Objections.**

The parties have agreed to the following additional procedures and deadlines for exchanging exhibits and demonstratives and objections to exhibits and demonstratives:

<b><u>Exhibit/Demonstrative</u></b>	<b><u>Exchange Deadline</u></b>	<b><u>Objection Deadline</u></b>
Exhibits to be used in connection with opening argument.	8:00 PM ET, two days before the intended use	N/A
Exhibits to be used in connection with direct examination	8:00 PM ET, two days before the intended use	7:00 PM ET, one day before the intended use
Demonstratives* to be used in connection with direct examination	8:00 PM ET, two days before the intended use	7:00 PM ET, one day before the intended use
Demonstratives* to be used in connection with cross-examination	8:00 PM ET, one day before the intended use	9:00 PM ET, one day before the intended use

\* This provision does not apply to demonstratives created during testimony, which need not be

disclosed. This provision also does not apply to highlighting, ballooning, arrowing, call-outs, etc., of exhibits or testimony, which are not required to be provided to the other side in advance of their use.

**Meeting and Conferring.**

The parties will meet and confer to resolve any objections to witnesses, exhibits, and demonstrative at 9:30 PM ET the evening before the intended testimony or use of the exhibits and demonstratives. If good-faith efforts to resolve the objections fail, the objecting party shall bring its objections to the Court's attention prior to the witness being called to the witness stand.

**Exhibits and Demonstratives.**

Any joint trial exhibits are identified using "JTX" numbers. Teva's trial exhibits are identified using "PTX" numbers, and Teva's trial demonstratives shall be identified using "PDX" numbers. Defendants' trial exhibits shall be identified using "DTX" numbers, and Defendants' trial demonstratives shall be identified using "DDX" numbers. The parties' exhibits are listed in the attachments to Section 10. The parties' demonstratives need not be listed on their exhibit lists.

Legible copies of documents may be offered and received into evidence to the same extent as an original unless a genuine question is raised as to the authenticity of the original, or in the circumstances it would be unfair to admit the copy in lieu of the original. Legible copies of U.S. and foreign patents, and the contents of associated file histories, may be offered and received into evidence in lieu of certified copies thereof, subject to all other objections which might be made to admissibility of certified copies. The parties agree that either side may offer into evidence the opposing sides' pleadings (including discovery responses, contentions, and filings) and do not need to list such pleadings on the exhibit list. The parties agree that a copy of each of the Asserted Patents their file histories, and assignment records (JTX-001-018) shall be admitted.

**14. TRIAL COUNSEL**

• **Plaintiff Teva:**

- Walsh Pizzi O'Reilly Falanga LLP
  - Liza M. Walsh
  - Katelyn O'Reilly
  - William T. Walsh
- Williams & Connolly LLP
  - David I. Berl
  - Benjamin M. Greenblum
  - Elise M. Baumgarten

- Kathryn S. Kayali
- Ben Picozzi
- Ricardo Leyva
- **Defendant Cipla:**
  - Rivkin Radler, LLP
    - Gregory D. Miller
    - Gene Y. Kang
  - Knobbe, Martens, Olson & Bear, LLP
    - William R. Zimmerman
    - Joseph M. Reisman
    - William O. Adams
    - Jonathan Bachand
    - Karen M. Cassidy Selvaggio
    - Brandon G. Smith
    - Nick Belair
    - Ashley C. Morales
- **Defendant Aurobindo:**
  - McNeely Hare & War, LLP
    - William D. Hare
    - Christopher Casieri

## **15. BIFURCATION**

The parties agree that there is no need for bifurcation.

## **16. ESTIMATED LENGTH OF TRIAL**

The Court has set a four day trial, with each day to consist of 6.5 hours, with closing arguments to be heard at the conclusion of evidence during trial.

**17. TRIAL DATE**

The Court has set trial for November 14, 2022. A housekeeping conference will be held on November 10, 2022 at 10:30am.

**EXCEPT AS SET FORTH SPECIFICALLY HEREIN, NO AMENDMENT TO THIS PRETRIAL ORDER SHALL BE PERMITTED UNLESS THE COURT DETERMINES THAT MANIFEST INJUSTICE WOULD RESULT IF THE AMENDMENT WERE DISALLOWED. THE COURT MAY FROM TIME TO TIME SCHEDULE CONFERENCES AS MAY BE REQUIRED EITHER ON ITS OWN MOTION OR AT THE REQUEST OF COUNSEL.**

56580277

Dated: November 4, 2022

Respectfully submitted,

*s/ Liza M. Walsh*

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Liza M. Walsh  
Katelyn O'Reilly  
William T. Walsh, Jr.  
WALSH PIZZI O'REILLY FALANGA LLP  
Three Gateway Center  
100 Mulberry Street, 15th Floor  
Newark, N.J. 07102  
(973) 757-1100

*Of Counsel:*

David I. Berl  
Benjamin M. Greenblum  
Elise M. Baumgarten  
Kathryn S. Kayali  
Ben Picozzi  
Ricardo Leyva  
WILLIAMS & CONNOLLY LLP  
725 Twelfth Street, N.W.  
Washington, DC 20005  
(202) 434-5000

*Attorneys for Plaintiffs*  
Teva Branded Pharmaceutical R&D Inc.  
and Norton (Waterford) Ltd.

*s/ Christopher Casieri*

Christopher Casieri  
MCNEELY, HARE & WAR LLP  
12 Roszel Road, Suite C104  
Princeton, NJ 08540  
(609) 731-3668

William D. Hare  
MCNEELY, HARE & WAR LLP  
5355 Wisconsin Ave., Suite 440  
Washington, DC 20015  
(202) 640-1801

*Attorneys for Defendants Aurobindo  
Pharma LLC, Aurobindo Pharma USA,  
Inc., and Aurolife Pharma LLC*

*s/ Gregory D. Miller*

Gregory D. Miller  
Gene Y. Kang  
RIVKIN RADLER LLP  
25 Main Street, Suite 501  
Court Plaza North  
Hackensack, NJ 07601

*Of Counsel:*

William O. Adams  
Brandon G. Smith  
Karen M. Cassidy Selvaggio  
KNOBBE, MARTENS, OLSON & BEAR,  
LLP  
2040 Main Street, 14th Floor  
Irvine, CA 92614  
(949) 760-0404

William R. Zimmerman  
Jonathan Bachand  
KNOBBE, MARTENS, OLSON & BEAR,  
LLP  
1717 Pennsylvania Ave. N.W., Ste. 900  
Washington D.C. 20006  
(202) 640-6400

Joseph M. Reisman  
Mark Rubinstein, Ph.D.  
KNOBBE, MARTENS, OLSON & BEAR,  
LLP  
12790 El Camino Real  
San Diego, CA 92130  
(858) 707-4000

Ashley C. Morales  
KNOBBE, MARTENS, OLSON & BEAR,  
LLP  
3579 Valley Centre Drive, Suite 300  
San Diego, CA 92130  
858-707-4000

Nicholas Belair (To Be Admitted *Pro Hac Vice*)  
KNOBBE, MARTENS, OLSON & BEAR,  
LLP  
333 Bush Street, 21<sup>st</sup> Floor  
San Francisco, CA 94104  
415-954-4114

*Attorneys for Defendant Cipla Ltd.*

SO ORDERED:

---

HON. MICHAEL A. HAMMER, U.S.M.J.

# **Exhibit A**

**PLAINTIFFS TEVA BRANDED PHARMACEUTICAL PRODUCTS  
R&D, INC. AND NORTON (WATERFORD) LTD.'S  
STATEMENT OF CONTESTED FACTS**

Teva's identification of the contested facts that remain to be litigated is based on Teva's current understanding of Defendants' claims and defenses. Teva reserves the right to modify or supplement the issues of fact to be litigated in light of any pretrial rulings by the Court, including any ruling on claim construction, and/or any further identified issues of fact by Defendants and/or to address any additional developments in the case, including anticipated motions and forthcoming document productions. Teva reserves the right to prove additional details regarding, related to, or subsidiary to the below facts, including any facts identified in its pleadings, discovery responses, including in its contentions, and/or expert reports and depositions, which Teva incorporates herein by reference. Teva also reserves the right to prove or contest any fact identified by Defendants in Defendants' statement of contested facts. To the extent that Defendants intend to attempt to introduce different or additional facts, Teva reserves the right to supplement or amend this Statement and contest those facts, and to present any and all rebuttal evidence in response to those facts. To the extent that any of the identified contested facts are determined to constitute an issue of law, Teva hereby incorporates such issues into the parties' statement of legal issues.

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## **I. Infringement**

1. Whether Cipla's and Aurobindo's ANDA Products comprise a dose counter for an inhaler.

2. Whether Teva's allegations that Cipla's and Aurobindo's ANDA Products infringe the Asserted Claims under the doctrine of equivalents would ensnare the '406 Publication.

3. Whether Teva's allegations that Cipla's and Aurobindo's ANDA Products infringe the Asserted Claims under the doctrine of equivalents would ensnare the third embodiment of the '406 Publication.

4. Whether Cipla's and Aurobindo's ANDA Products are materially identical to the third embodiment of the '406 Publication.

5. Whether the '406 Publication describes the inhaler bodies of Cipla's and Aurobindo's ANDA Products.

### **A. '289 Patent**

6. Whether Cipla's and Aurobindo's ANDA Products infringe claim 1 of the '289 Patent.

7. With respect to claim 1 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Product comprise an inhaler for metered dose inhalation or an equivalent.

8. With respect to claim 1 of the '289 Patent, whether the inhaler of Cipla's and Aurobindo's ANDA Products comprise a main body having a canister housing or an equivalent.

9. With respect to claim 1 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise a "medicament canister, which is movable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister" or an equivalent.

10. With respect to claim 1 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise "a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister" or an equivalent.

11. With respect to claim 1 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an inhaler "wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall" or an equivalent.

12. With respect to claim 1 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an inhaler "wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port" or an equivalent.

13. With respect to claim 1 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an inhaler in which "the inner wall canister support formation, the actuation member, and the central outlet port [ie] in a common plane coincident with the longitudinal axis X" or an equivalent.

14. Whether Cipla's and Aurobindo's ANDA Products infringe claim 2 of the '289 Patent.

15. With respect to claim 2 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 1 wherein the medicament canister is movable relative to the dose counter" or an equivalent.

16. Whether Cipla's and Aurobindo's ANDA Products infringe claim 3 of the '289 Patent.

17. With respect to claim 3 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 1 further comprising an aperture formed in the inner wall through which the portion of the actuation member extends" or an equivalent.

18. Whether Cipla's and Aurobindo's ANDA Products infringe claim 4 of the '289 Patent.

19. With respect to claim 4 of the '289 Patent, whether Cipla's and Aurobindo's Products comprise an "inhaler as claimed in claim 1, wherein the first inner wall canister support formation comprises a support rail which extends longitudinally along an inside surface of the main body" or an equivalent.

20. Whether Cipla's and Aurobindo's ANDA Products infringe claim 5 of the '289 Patent.

21. With respect to claim 5 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 4, wherein the support rail includes a step formed thereon" or an equivalent.

22. Whether Cipla's and Aurobindo's ANDA Products infringe claim 6 of the '289 Patent.

23. With respect to claim 6 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 4 further comprising a plurality of support rails each of which extends longitudinally along an inside surface of the main body" or an equivalent.

24. Whether Cipla's and Aurobindo's ANDA Products infringe claim 7 of the '289 Patent.

25. With respect to claim 7 of the '289 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 6, wherein two of the plurality of

support rails are positioned at opposite ends of the inside surface of the main body to face each other” or an equivalent.

26. Whether Cipla’s and Aurobindo’s ANDA Products infringe claim 8 of the ’289 Patent.

27. With respect to claim 8 of the ’289 Patent, whether Cipla’s and Aurobindo’s ANDA Products comprise an “inhaler as claimed in claim 4, wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body” or an equivalent.

**B. ’587 Patent**

28. Whether Cipla’s and Aurobindo’s ANDA Products infringe claim 1 of the ’587 Patent.

29. With respect to claim 1 of the ’587 Patent, whether Cipla’s and Aurobindo’s ANDA Products comprise an inhaler for metered dose inhalation or an equivalent.

30. With respect to claim 1 of the ’587 Patent, whether the inhaler of Cipla’s and Aurobindo’s ANDA Products comprise a main body having a canister housing, or an equivalent.

31. With respect to claim 1 of the ’587 Patent, whether the inhaler of Cipla’s and Aurobindo’s ANDA Products comprises “a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister” or an equivalent.

32. With respect to claim 1 of the ’587 Patent, whether Cipla’s and Aurobindo’s ANDA Products comprise “a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister” or an equivalent.

33. With respect to claim 1 of the ’587 Patent, whether Cipla’s and Aurobindo’s ANDA Products comprise an inhaler “wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall” or an equivalent.

34. With respect to claim 1 of the ’587 Patent, whether Cipla’s and Aurobindo’s ANDA Products comprise an inhaler “wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port” or an equivalent.

35. With respect to claim 1 of the ’587 Patent, whether Cipla’s and Aurobindo’s ANDA Products comprise an inhaler in which “the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler” or an equivalent.

36. Whether Cipla's and Aurobindo's ANDA Products infringe claim 2 of the '587 Patent.

37. With respect to claim 2 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 1 wherein the medicament canister is movable relative to the dose counter" or an equivalent.

38. Whether Cipla's and Aurobindo's ANDA Products infringe claim 3 of the '587 Patent.

39. With respect to claim 3 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 1 further comprising an aperture formed in the inner wall through which the portion of the actuation member extends" or an equivalent.

40. Whether Cipla's and Aurobindo's ANDA Products infringe claim 4 of the '587 Patent.

41. With respect to claim 4 of the '587 Patent, whether Cipla's and Aurobindo's Products comprise an "inhaler as claimed in claim 1, wherein the first inner wall canister support formation comprises a support rail which extends longitudinally along an inside surface of the main body" or an equivalent.

42. Whether Cipla's and Aurobindo's ANDA Products infringe claim 5 of the '587 Patent.

43. With respect to claim 5 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 4, wherein the support rail includes a step formed thereon" or an equivalent.

44. Whether Cipla's and Aurobindo's ANDA Products infringe claim 6 of the '587 Patent.

45. With respect to claim 6 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 4 further comprising a plurality of support rails each of which extends longitudinally along an inside surface of the main body" or an equivalent.

46. Whether Cipla's and Aurobindo's ANDA Products infringe claim 7 of the '587 Patent.

47. With respect to claim 7 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 6, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other" or an equivalent.

48. Whether Cipla's and Aurobindo's ANDA Products infringe claim 8 of the '587 Patent.

49. With respect to claim 8 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an "inhaler as claimed in claim 4, wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body" or an equivalent.

50. Whether Cipla's and Aurobindo's ANDA Products infringe every limitation of claim 12 of the '587 Patent.

51. With respect to claim 12 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an inhaler for metered dose inhalation or an equivalent.

52. With respect to claim 12 of the '587 Patent, whether the inhaler of Cipla's and Aurobindo's ANDA Products comprise a main body having a canister housing or an equivalent.

53. With respect to claim 12 of the '587 Patent, whether the inhaler of Cipla's and Aurobindo's ANDA Products comprise "a medicament canister which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister" or an equivalent.

54. With respect to claim 12 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise "a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister" or an equivalent.

55. With respect to claim 12 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an inhaler "wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall" or an equivalent.

56. With respect to claim 12 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an inhaler "wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port" or an equivalent.

57. With respect to claim 12 of the '587 Patent, whether Cipla's and Aurobindo's ANDA Products comprise an inhaler "wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X such that the first inner wall canister support formation protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member" or an equivalent.

### C. 156 Patent

The '156 Patent has been dismissed from the case as to Aurobindo. As to Cipla, the parties are briefing the issue of whether the Court maintains jurisdiction over claims relating to the '156 Patent. Teva maintains that the Court lacks jurisdiction. To the extent Cipla is permitted to set forth proof that their ANDA Products do not fall within the scope of the claims

of the '156 patent or that any claims of the '156 patent are invalid, Teva reserves the right to respond, consistent with the statement of contested facts Teva provided at D.I. 157-1, Ex. A.

**D. '808 Patent**

58. Whether Cipla's and Aurobindo's ANDA Products infringe claim 1 of the '808 Patent.

59. With respect to claim 1 of the '808 Patent, whether Cipla's and Aurobindo's ANDA Products comprise a dose counter for an inhaler or an equivalent.

60. With respect to claim 1 of the '808 Patent, whether Cipla's and Aurobindo's ANDA Products comprise a "dose counter having a counter display arranged to indicate dosage information" or an equivalent.

61. With respect to claim 1 of the '808 Patent, whether the dose counter of Cipla's and Aurobindo's ANDA Products comprises "a drive system arranged to move the counter display incrementally in a first direction from a first station to second station in response to actuation input" or an equivalent.

62. With respect to claim 1 of the '808 Patent, whether Cipla's and Aurobindo's ANDA Products comprise a dose counter "wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements" or an equivalent.

63. Whether Cipla's and Aurobindo's ANDA Products infringe claim 27 of the '808 Patent.

64. With respect to claim 27 of the '808 Patent, whether Cipla's and Aurobindo's ANDA Product comprise "[t]he dose counter in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display" or an equivalent.

65. Whether Cipla's and Aurobindo's ANDA Products infringe claim 28 of the '808 Patent.

66. With respect to claim 28 of the '808 Patent, whether Cipla's and Aurobindo's ANDA Product comprise "[t]he dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N" or an equivalent.

**II. Validity**

**A. Background**

67. Whether the inventions of each of the Asserted Claims was conceived of and reduced to practice no later than November 5, 2009.

68. Whether, in the alternative, each of the Asserted Claims is entitled to a priority date of no later than December 2, 2009; in a further alternative, March 16, 2010; and in a further alternative, May 18, 2010.

69. Whether any prior art reference asserted by Defendants anticipates any of the Asserted Claims.

70. Whether any prior art reference asserted by Defendants discloses every limitation of any of the Asserted Claims as arranged in the claim.

71. Whether any prior art reference asserted by Defendants discloses any limitation of any of the Asserted Claims.

72. Whether, from among the sea of prior art, the POSA would have selected any reference relied upon by Defendants for modification.

73. Whether, from among the sea of prior art, the POSA would have selected an embodiment of any prior art reference asserted by Defendants for modification.

74. Whether the POSA would have found it obvious to modify an embodiment of any prior art reference asserted by Defendants to include any limitation of any of the Asserted Claims.

75. Whether the POSA would have been motivated or had reason to modify an embodiment of any prior art reference asserted by Defendants to include any limitation of any of the Asserted Claims.

76. Whether the POSA reasonably would have expected success in modifying an embodiment of any prior art reference asserted by Defendants to include any limitation of any of the Asserted Claims.

77. Whether there are differences between Defendants' ANDA Products and any embodiment of a dose counter/inhaler body combination described in the '406 publication.

78. Whether, as of the priority date, given the availability of prior art references and marketed products that lacked support ribs and rails in metered dose inhaler ("MDI") canister housings, the POSA would have understood the selection of an MDI canister housing that lacked such ribs or rails to be "a departure from known practice, and less likely to result in a successful product."

79. Whether, as of the priority date, the POSA would have been motivated or had reason to select an inhaler body with support ribs and rails for combination with a dose counter disclosed in a different inhaler body lacking such ribs or rails.

80. Whether, as of the priority date, the POSA would have been motivated or had reason to pursue a dose counter for an MDI rather than, for example, a dose indicator.

81. Whether the references Defendants rely upon accurately reflect the POSA's understanding of the field as of the priority date.

82. Whether the references Teva relies upon accurately reflect the POSA's understanding of the field as of the priority date.

83. Whether the references Teva relies upon accurately reflect the POSA's understanding as of the priority date.

84. Whether the references Defendants rely upon accurately reflect the POSA's understanding as of the priority date.

85. Whether the POSA for the Asserted Patents would have had access to an individual with a medical degree and experience in treating patients with inhalation aerosol devices.

86. Whether the prior art teaches away from the invention of any Asserted Claim.

87. Whether the prior art would have led the POSA in a direction divergent from the path leading to the invention of any Asserted Claim.

88. Whether the prior art teaches away from the selection of an embodiment of the '406 Publication for modification or combination.

89. Whether the prior art teaches away from the selection of an embodiment of the '514 Publication for modification or combination.

90. Whether the prior art teaches away from the selection of an embodiment of the '021 Publication for modification or combination.

91. Whether the prior art teaches away from the selection of an embodiment of the '950 Publication for modification or combination.

92. Whether the prior art teaches away from the selection of an embodiment of the '552 Publication for modification or combination.

93. Whether the prior art would have led the POSA in a direction divergent from the '406 Publication.

94. Whether the prior art would have led the POSA in a direction divergent from the '514 Publication.

95. Whether the prior art would have led the POSA in a direction divergent from the '021 Publication.

96. Whether the prior art would have led the POSA in a direction divergent from the '552 Publication.

97. Whether the prior art would have led the POSA in a direction divergent from the '950 Publication.

98. Whether the prior art teaches away from combining disclosures of the '406 Publication with disclosures of the '514 Publication.

99. Whether the prior art would have led the POSA in a direction divergent from a combination of disclosures of the '406 Publication with the '514 Publication.

100. Whether the prior art teaches away from combining disclosures of the '021 Publication with disclosures of the '514 Publication.

101. Whether the prior art would have led the POSA in a direction divergent from a combination of disclosures of the '021 Publication with the '514 Publication.

**B. '289 Patent**

**1. Alleged Anticipation by '406 Publication**

**a. Claim 1**

102. Whether the '406 Publication anticipates claim 1 of the '289 patent.

103. Whether any embodiment of the '406 Publication discloses every limitation of claim 1 of the '289 patent as arranged in the claim.

104. Whether the third embodiment of the '406 Publication discloses every limitation of claim 1 of the '289 patent as arranged in the claim.

105. Whether the third embodiment of the '406 Publication discloses an inhaler for metered dose inhalation.

106. Whether the third embodiment of the '406 Publication discloses a main body having a canister housing.

107. Whether the third embodiment of the '406 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

108. Whether the third embodiment of the '406 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

109. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

110. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

111. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X.

**b. Claim 2**

112. Whether the '406 Publication anticipates claim 2 of the '289 patent.

113. Whether any embodiment of the '406 Publication discloses every limitation of claim 2 of the '289 patent as arranged in the claim.

114. Whether the third embodiment of the '406 Publication discloses every limitation of claim 2 of the '289 patent as arranged in the claim.

115. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the medicament canister is moveable relative to the dose counter.

**c. Claim 3**

116. Whether the '406 Publication anticipates claim 3 of the '289 patent.

117. Whether any embodiment of the '406 Publication discloses every limitation of claim 3 of the '289 patent as arranged in the claim.

118. Whether the third embodiment of the '406 Publication discloses every limitation of claim 3 of the '289 patent as arranged in the claim.

119. Whether the third embodiment of the '406 Publication discloses an inhaler comprising an aperture formed in the inner wall through which the portion of the actuation member extends.

**2. Alleged Anticipation by the '514 Publication**

**a. Claim 1**

120. Whether the '514 Publication anticipates claim 1 of the '289 patent.

121. Whether any single embodiment of the '514 Publication discloses every limitation of claim 1 of the '289 patent as arranged in the claim.

122. Whether an embodiment of the '514 Publication discloses a main body having a canister housing.

123. Whether the same embodiment of the '514 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

124. Whether the same embodiment of the '514 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

125. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

126. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

127. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X.

**b. Claim 4**

128. Whether the '514 Publication anticipates claim 4 of the '289 patent.

129. Whether any single embodiment of the '514 Publication discloses every limitation of claim 4 of the '289 patent as arranged in the claim.

130. Whether an embodiment of the '514 Publication that discloses every element of claim 1 of the '289 patent also discloses an inhaler wherein the first inner wall canister support formation comprises a support rail which extends longitudinally along an inside surface of the main body.

**c. Claim 5**

131. Whether the '514 Publication anticipates claim 5 of the '289 patent.

132. Whether any single embodiment of the '514 Publication discloses every limitation of claim 5 of the '289 patent as arranged in the claim.

133. Whether an embodiment of the '514 Publication that discloses every element of claim 4 of the '289 patent also discloses an inhaler wherein the support rail includes a step formed thereon.

**d. Claim 6**

134. Whether the '514 Publication anticipates claim 6 of the '289 patent.

135. Whether any single embodiment of the '514 Publication discloses every limitation of claim 6 of the '289 patent as arranged in the claim.

136. Whether an embodiment of the '514 Publication that discloses every element of claim 4 of the '289 patent also discloses an inhaler further comprising a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

**e. Claim 7**

137. Whether the '514 Publication anticipates claim 7 of the '289 patent.

138. Whether any single embodiment of the '514 Publication discloses every limitation of claim 7 of the '289 patent as arranged in the claim.

139. Whether an embodiment of the '514 Publication that discloses every element of claim 6 of the '289 patent also discloses an inhaler wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

**f. Claim 8**

140. Whether the '514 Publication anticipates claim 8 of the '289 patent.

141. Whether any single embodiment of the '514 Publication discloses every limitation of claim 8 of the '289 patent as arranged in the claim.

142. Whether an embodiment of the '514 Publication that discloses every element of claim 4 of the '289 patent also discloses an inhaler wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

**3. Alleged Obviousness Over the '406 Publication in View of the Knowledge of the POSA and/or the '514 Publication<sup>1</sup>**

**a. Claim 1**

143. Teva incorporates by reference the contested facts set forth in Sections II.B.1.a and II.B.2.a as though set forth herein.

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<sup>1</sup> Plaintiffs' statements of contested fact respond to Defendants' pretrial disclosures, which appear to conflate various obviousness theories set forth in their expert reports and contain vague references to the "knowledge of the POSA." In including these statements, Plaintiffs in no way concede that Defendants' statements are proper and reserve the right to seek to preclude Defendants from advancing improper theories, in a motion in limine, at trial, or as otherwise appropriate.

144. Whether claim 1 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

145. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '406 Publication for modification or combination.

146. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

147. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

148. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

149. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

150. Whether the POSA would have been motivated or had reason as of the priority date to modify disclosures of the '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

151. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify disclosures of the '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

152. Whether claim 1 of the '289 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication.

153. Whether, from among the sea of prior art, the POSA would have selected the '406 Publication and '514 Publication for modification and combination.

154. Whether the prior art teaches away from combining disclosures of the '406 Publication with disclosures of the '514 Publication.

155. Whether the prior art would have led the POSA in a direction divergent from a combination of disclosures of the '406 Publication with the '514 Publication.

156. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler

including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

157. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

158. Whether the POSA would have reasonably expected success as priority date if the POSA chose to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation.

159. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

160. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

161. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

#### **b. Claim 2**

162. Teva incorporates by reference the contested facts set forth in Sections II.B.1.b and II.B.3.a as though set forth herein.

163. Whether claim 2 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

164. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

165. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

166. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

167. Whether claim 2 of the '289 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication.

168. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

169. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

170. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

**c. Claim 3**

171. Teva incorporates by reference the contested facts set forth in Sections II.B.1.c and II.B.3.a as though set forth herein.

172. Whether claim 3 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

173. Whether claim 3 of the '289 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

174. Whether the '514 Publication discloses an aperture formed in the inner wall through which the portion of the actuation member extends.

175. Whether the '514 Publication discloses an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

176. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

177. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

178. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler

of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

179. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

180. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

181. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

**d. Claim 4**

182. Teva incorporates by reference the contested facts set forth in Sections II.B.2.b and II.B.3.a as though set forth herein.

183. Whether claim 4 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

184. Whether claim 4 of the '289 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

185. Whether the '406 Publication discloses an inner wall canister support formation that is a support rail that extends longitudinally along the inside surface of the main body.

186. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

187. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

188. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

189. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

190. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

191. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

**e. Claim 5**

192. Teva incorporates by reference the contested facts set forth in Sections II.B.2.c and II.B.3.d as though set forth herein.

193. Whether claim 5 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

194. Whether claim 5 of the '289 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

195. Whether the '406 Publication discloses a support rail including a step formed thereon.

196. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

197. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

198. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

199. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

200. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

201. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

**f. Claim 6**

202. Teva incorporates by reference the contested facts set forth in Sections II.B.2.d and II.B.3.d as though set forth herein.

203. Whether claim 6 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

204. Whether claim 6 of the '289 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

205. Whether the '406 Publication discloses a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

206. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

207. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

208. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

209. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

210. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

211. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

**g. Claim 7**

212. Teva incorporates by reference the contested facts set forth in Sections II.B.2.e and II.B.3.f as though set forth herein.

213. Whether claim 7 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

214. Whether claim 7 of the '289 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

215. Whether the '406 Publication discloses a plurality of support rails, two of which are positioned at opposite ends of the inside surface of the main body to face each other.

216. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

217. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

218. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

219. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

220. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

221. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

**h. Claim 8**

222. Teva incorporates by reference the contested facts set forth in Sections II.B.2.f and II.B.3.d as though set forth herein.

223. Whether claim 8 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

224. Whether claim 8 of the '289 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

225. Whether the '406 Publication discloses a support rail including two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

226. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

227. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

228. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

229. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

230. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

231. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

#### **4. Alleged Obviousness Over the '021 Publication in View of the Knowledge of the POSA and/or the '514 Publication**

##### **a. Claim 1**

232. Teva incorporates by reference the contested facts set forth in Section II.B.2.a as though set forth herein.

233. Whether claim 1 of the '289 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

234. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '021 Publication for modification.

235. Whether the prior art teaches away from the selection of an embodiment of the '021 Publication for further modification or combination.

236. Whether the '021 Publication discloses an inhaler for metered dose inhalation.

237. Whether the '021 Publication discloses a main body having a canister housing.

238. Whether the '021 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

239. Whether the '021 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

240. Whether the '021 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

241. Whether the '021 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

242. Whether the '021 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X.

243. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

244. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

245. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

246. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

247. Whether the POSA would have been motivated or had reason as of the priority date to modify disclosures of the '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

248. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify disclosures of the '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

249. Whether claim 1 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication.

250. Whether, from among the sea of prior art, the POSA would have selected the '021 Publication and '514 Publication for modification and combination.

251. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

252. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

253. Whether the POSA would have reasonably expected success as priority date if the POSA chose to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation.

254. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

255. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

256. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

**b. Claim 2**

257. Teva incorporates by reference the contested facts set forth in Section II.B.4.a as though set forth herein.

258. Whether claim 2 of the '289 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

259. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

260. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

261. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

262. Whether claim 2 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication.

263. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

264. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

265. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

**c. Claim 3**

266. Teva incorporates by reference the contested facts set forth in Section II.B.4.a as though set forth herein.

267. Whether claim 3 of the '289 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

268. Whether claim 3 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

269. Whether the '021 Publication discloses an aperture formed in the inner wall through which the portion of the actuation member extends.

270. Whether the '021 Publication discloses an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

271. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

272. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

273. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

274. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

275. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

276. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

#### **d. Claim 4**

277. Teva incorporates by reference the contested facts set forth in Sections II.B.2.b and II.B.4.a as though set forth herein.

278. Whether claim 4 of the '289 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

279. Whether claim 4 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

280. Whether the '021 Publication discloses an inner wall canister support formation that is a support rail that extends longitudinally along the inside surface of the main body.

281. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

282. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

283. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

284. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

285. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

286. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

**e. Claim 5**

287. Teva incorporates by reference the contested facts set forth in Sections II.B.2.c and II.B.4.d as though set forth herein.

288. Whether claim 5 of the '289 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

289. Whether claim 5 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

290. Whether the '021 Publication discloses a support rail including a step formed thereon.

291. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

292. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

293. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

294. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

295. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

296. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

#### **f. Claim 6**

297. Teva incorporates by reference the contested facts set forth in Sections II.B.2.d and II.B.4.d as though set forth herein.

298. Whether claim 6 of the '289 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

299. Whether claim 6 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

300. Whether the '021 Publication discloses a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

301. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

302. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

303. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

304. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

305. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

306. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

**g. Claim 7**

307. Teva incorporates by reference the contested facts set forth in Sections II.B.2.e and II.B.4.fas though set forth herein.

308. Whether claim 7 of the '289 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

309. Whether claim 7 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

310. Whether the '021 Publication discloses a plurality of support rails, two of which are positioned at opposite ends of the inside surface of the main body to face each other.

311. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

312. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

313. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

314. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

315. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

316. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

#### **h. Claim 8**

317. Teva incorporates by reference the contested facts set forth in Sections II.B.2.f and II.B.4.d as though set forth herein.

318. Whether claim 8 of the '289 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

319. Whether claim 8 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

320. Whether the '021 Publication discloses a support rail including two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

321. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

322. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

323. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

324. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

325. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

326. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

**C. '587 Patent**

**1. Alleged Anticipation by the '406 Publication**

**a. Claim 1**

327. Whether the '406 Publication anticipates claim 1 of the '587 patent.

328. Whether any embodiment of the '406 Publication discloses every limitation of claim 1 of the '587 patent as arranged in the claim.

329. Whether the third embodiment of the '406 Publication discloses every limitation of claim 1 of the '587 patent as arranged in the claim.

330. Whether the third embodiment of the '406 Publication discloses an inhaler for metered dose inhalation.

331. Whether the third embodiment of the '406 Publication discloses a main body having a canister housing.

332. Whether the third embodiment of the '406 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

333. Whether the third embodiment of the '406 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

334. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

335. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

336. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X.

337. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the first inner wall canister support formation is arranged such that it protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

**b. Claim 2**

338. Whether the '406 Publication anticipates claim 2 of the '587 patent.

339. Whether any embodiment of the '406 Publication discloses every limitation of claim 2 of the '587 patent as arranged in the claim.

340. Whether the third embodiment of the '406 Publication discloses every limitation of claim 2 of the '289 patent as arranged in the claim.

341. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the medicament canister is moveable relative to the dose counter.

**c. Claim 3**

342. Whether the '406 Publication anticipates claim 3 of the '587 patent.

343. Whether any embodiment of the '406 Publication discloses every limitation of claim 3 of the '587 patent as arranged in the claim.

344. Whether the third embodiment of the '406 Publication discloses every limitation of claim 3 of the '289 patent as arranged in the claim.

345. Whether the third embodiment of the '406 Publication discloses an inhaler comprising an aperture formed in the inner wall through which the portion of the actuation member extends.

**d. Claim 12**

346. Whether the '406 Publication anticipates claim 12 of the '587 patent.

347. Whether any embodiment of the '406 Publication discloses every limitation of claim 12 of the '587 patent as arranged in the claim.

348. Whether the third embodiment of the '406 Publication discloses every limitation of claim 12 of the '289 patent as arranged in the claim.

349. Whether the third embodiment of the '406 Publication discloses an inhaler for metered dose inhalation. Whether the third embodiment of the '406 Publication discloses a main body having a canister housing.

350. Whether the third embodiment of the '406 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

351. Whether the third embodiment of the '406 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

352. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

353. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

354. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X.

355. Whether the third embodiment of the '406 Publication discloses an inhaler wherein the first inner wall canister support formation is arranged such that it protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.

## **2. Alleged Anticipation by the '514 Publication**

### **a. Claim 1**

356. Whether the '514 Publication anticipates claim 1 of the '587 patent.

357. Whether any single embodiment of the '514 Publication discloses every limitation of claim 1 of the '587 patent as arranged in the claim.

358. Whether an embodiment of the '514 Publication discloses a main body having a canister housing. Whether the same embodiment of the '514 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

359. Whether the same embodiment of the '514 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

360. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

361. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

362. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X.

363. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the first inner wall canister support formation is arranged such that it protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

**b. Claim 4**

364. Whether the '514 Publication anticipates claim 4 of the '587 patent.

365. Whether any single embodiment of the '514 Publication discloses every limitation of claim 4 of the '587 patent as arranged in the claim.

366. Whether an embodiment of the '514 Publication that discloses every element of claim 1 of the '587 patent also discloses an inhaler wherein the first inner wall canister support formation comprises a support rail which extends longitudinally along an inside surface of the main body.

**c. Claim 5**

367. Whether the '514 Publication anticipates claim 5 of the '587 patent.

368. Whether any single embodiment of the '514 Publication discloses every limitation of claim 5 of the '587 patent as arranged in the claim.

369. Whether an embodiment of the '514 Publication that discloses every element of claim 4 of the '587 patent also discloses an inhaler wherein the support rail includes a step formed thereon.

**d. Claim 6**

370. Whether the '514 Publication anticipates claim 6 of the '587 patent.

371. Whether any single embodiment of the '514 Publication discloses every limitation of claim 6 of the '587 patent as arranged in the claim.

372. Whether an embodiment of the '514 Publication that discloses every element of claim 4 of the '289 patent also discloses an inhaler further comprising a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

**e. Claim 7**

373. Whether the '514 Publication anticipates claim 7 of the '587 patent.

374. Whether any single embodiment of the '514 Publication discloses every limitation of claim 7 of the '587 patent as arranged in the claim.

375. Whether an embodiment of the '514 Publication that discloses every element of claim 6 of the '587 patent also discloses an inhaler wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

**f. Claim 8**

376. Whether the '514 Publication anticipates claim 8 of the '587 patent.

377. Whether any single embodiment of the '514 Publication discloses every limitation of claim 8 of the '587 patent as arranged in the claim.

378. Whether an embodiment of the '514 Publication that discloses every element of claim 4 of the '587 patent also discloses an inhaler wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

**g. Claim 11**

379. Whether the '514 Publication anticipates claim 11 of the '587 patent.

380. Whether any single embodiment of the '514 Publication discloses every limitation of claim 11 of the '587 patent as arranged in the claim.

381. Whether an embodiment of the '514 Publication that discloses every element of claim 1 of the '587 patent also discloses an inhaler further comprising a second inner wall canister support formation.

382. Whether an embodiment of the '514 Publication that discloses every element of claim 1 of the '587 patent also discloses an inhaler wherein the second inner wall canister support formation, the first inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

**h. Claim 12**

383. Whether the '514 Publication anticipates claim 12 of the '587 patent.

384. Whether any single embodiment of the '514 Publication discloses every limitation of claim 12 of the '587 patent as arranged in the claim.

385. Whether an embodiment of the '514 Publication discloses a main body having a canister housing.

386. Whether the same embodiment of the '514 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

387. Whether the same embodiment of the '514 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

388. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

389. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

390. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X.

391. Whether the same embodiment of the '514 Publication discloses an inhaler wherein the first inner wall canister support formation is arranged such that it protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.

### **3. Alleged Obviousness Over the '406 Publication In View of the Knowledge of the POSA and/or the '514 Publication**

#### **a. Claim 1**

392. Teva incorporates by reference the facts alleged in Sections II.C.1.a and II.C.2.a as though set forth herein.

393. Whether claim 1 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

394. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '406 Publication for modification.

395. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

396. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

397. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X and such that the first inner wall canister support formation protected against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

398. Whether the POSA would have been motivated or had reason as of the priority date to modify disclosures of the '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X and such that the first inner wall canister support formation protected against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

399. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify disclosures of the '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X and such that the first inner wall canister support formation protected against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

400. Whether claim 1 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication.

401. Whether, from among the sea of prior art, the POSA would have selected the '406 Publication and '514 Publication for modification and combination.

402. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

403. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

404. Whether the POSA would have reasonably expected success as priority date if the POSA chose to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation.

405. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protected against unwanted actuation of

the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

406. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X and such that the first inner wall canister support formation protected against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

407. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X and such that the first inner wall canister support formation protected against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

**b. Claim 2**

408. Teva incorporates by reference the contested facts set forth in Sections II.C.1.b and II.C.3.a as though set forth herein.

409. Whether claim 2 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

410. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

411. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

412. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

413. Whether claim 2 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication.

414. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

415. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

416. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

**c. Claim 3**

417. Teva incorporates by reference the contested facts set forth in Sections II.C.1.c and II.C.3.a as though set forth herein.

418. Whether claim 3 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

419. Whether claim 3 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

420. Whether the '514 Publication discloses an aperture formed in the inner wall through which the portion of the actuation member extends.

421. Whether the '514 Publication discloses an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

422. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

423. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

424. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

425. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

426. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

427. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

**d. Claim 4**

428. Teva incorporates by reference the contested facts set forth in Sections II.C.2.b and II.C.3.a as though set forth herein.

429. Whether claim 4 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

430. Whether claim 4 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

431. Whether the '406 Publication discloses an inner wall canister support formation that is a support rail that extends longitudinally along the inside surface of the main body.

432. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

433. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

434. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

435. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

436. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

437. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

**e. Claim 5**

438. Teva incorporates by reference the contested facts set forth in Sections II.C.2.c and II.C.3.d as though set forth herein.

439. Whether claim 5 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

440. Whether claim 5 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

441. Whether the '406 Publication discloses a support rail including a step formed thereon.

442. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

443. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

444. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

445. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

446. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

447. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

**f. Claim 6**

448. Teva incorporates by reference the contested facts set forth in Sections II.C.2.d and II.C.3.d as though set forth herein.

449. Whether claim 6 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

450. Whether claim 6 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

451. Whether the '406 Publication discloses a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

452. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

453. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

454. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

455. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

456. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

457. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

**g. Claim 7**

458. Teva incorporates by reference the contested facts set forth in Sections II.C.2.e and II.C.3.f as though set forth herein.

459. Whether claim 7 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

460. Whether claim 7 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

461. Whether the '406 Publication discloses a plurality of support rails, two of which are positioned at opposite ends of the inside surface of the main body to face each other.

462. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

463. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

464. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

465. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

466. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

467. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

#### **h. Claim 8**

468. Teva incorporates by reference the contested facts set forth in Sections II.C.2.f and II.C.3.d as though set forth herein.

469. Whether claim 8 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

470. Whether claim 8 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

471. Whether the '406 Publication discloses a support rail including two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

472. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

473. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

474. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

475. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

476. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

477. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

### i. **Claim 11**

478. Teva incorporates by reference the contested facts set forth in Sections II.C.2.g II.C.3.a as though set forth herein.

479. Whether claim 11 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

480. Whether claim 11 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

481. Whether the '406 Publication discloses an inhaler comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

482. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

483. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

484. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

485. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

486. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

487. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

**j. Claim 12**

488. Teva incorporates by reference the facts alleged in Section II.C.2.h as though set forth herein.

489. Whether claim 12 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

490. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '406 Publication for modification.

491. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

492. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

493. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

494. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X and the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

495. Whether the POSA would have been motivated or had reason as of the priority date to modify disclosures of the '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X and such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

496. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify disclosures of the '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X and such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

497. Whether claim 12 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication.

498. Whether, from among the sea of prior art, the POSA would have selected the '406 Publication and '514 Publication for modification and combination.

499. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

500. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler

including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

501. Whether the POSA would have reasonably expected success as priority date if the POSA chose to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation.

502. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

503. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '406 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

504. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

#### **k. Claim 13**

505. Whether claim 13 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

506. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '406 Publication for modification.

507. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

508. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

509. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

510. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation that extends from the main surface of the inner wall to the aperture through which the portion of the actuation member extends.

511. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation that extends from the main surface of the inner wall to the aperture through which the portion of the actuation member extends.

512. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation that extends from the main surface of the inner wall to the aperture through which the portion of the actuation member extends.

513. Whether claim 13 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication.

514. Whether, from among the sea of prior art, the POSA would have selected the '406 Publication and '514 Publication for modification and combination.

515. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

516. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

517. Whether the POSA would have reasonably expected success as priority date if the POSA chose to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler including an inner wall canister support formation.

518. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler wherein the canister housing has an aperture formed in the inner wall through which the portion of the actuation member extends, and wherein the first inner wall canister support formation extends from the main surface of the inner wall to the aperture.

519. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler wherein the canister housing has an aperture formed in the inner wall through which the portion

of the actuation member extends, and wherein the first inner wall canister support formation extends from the main surface of the inner wall to the aperture.

520. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '514 Publication and '406 Publication to arrive at an inhaler wherein the canister housing has an aperture formed in the inner wall through which the portion of the actuation member extends, and wherein the first inner wall canister support formation extends from the main surface of the inner wall to the aperture.

### I. Claim 14

521. Teva incorporates by reference the contested facts set forth in Section II.C.3.k as though set forth herein.

522. Whether claim 14 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

523. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

524. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

525. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '406 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

526. Whether claim 14 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication.

527. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

528. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

**m. Claim 15**

529. Teva incorporates by reference the contested facts set forth in Section II.C.3.k as though set forth herein.

530. Whether claim 15 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

531. Whether claim 15 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

532. Whether the '406 Publication discloses an inner wall canister support formation that is a support rail that extends longitudinally along the inside surface of the main body.

533. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

534. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

535. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

536. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

537. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

538. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

**n. Claim 16**

539. Teva incorporates by reference the contested facts set forth in Section II.C.3.m as though set forth herein.

540. Whether claim 16 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

541. Whether claim 16 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

542. Whether the '406 Publication discloses a support rail including a step formed thereon.

543. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

544. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

545. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

546. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

547. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

548. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

#### **o. Claim 17**

549. Teva incorporates by reference the contested facts set forth in Section II.C.3.m as though set forth herein.

550. Whether claim 17 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

551. Whether claim 17 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

552. Whether the '406 Publication discloses a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

553. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

554. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

555. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

556. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

557. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

558. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

**p. Claim 18**

559. Teva incorporates by reference the contested facts set forth in Section II.C.3.o as though set forth herein.

560. Whether claim 18 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

561. Whether claim 18 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

562. Whether the '406 Publication discloses a plurality of support rails, two of which are positioned at opposite ends of the inside surface of the main body to face each other.

563. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

564. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

565. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

566. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

567. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

568. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

**q. Claim 19**

569. Teva incorporates by reference the contested facts set forth in Section II.C.3.m as though set forth herein.

570. Whether claim 19 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

571. Whether claim 19 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

572. Whether the '406 Publication discloses a support rail including two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

573. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

574. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

575. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

576. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

577. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

578. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

r. **Claim 20**

579. Teva incorporates by reference the contested facts set forth in Section II.C.3.m as though set forth herein.

580. Whether claim 20 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

581. Whether claim 20 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

582. Whether the '406 Publication discloses an inhaler wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

583. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

584. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

585. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler

of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

586. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

587. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

588. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

**s.       Claim 21**

589. Teva incorporates by reference the contested facts set forth in Section II.C.3.k as though set forth herein.

590. Whether claim 21 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

591. Whether claim 21 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

592. Whether the '406 Publication discloses an inhaler wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

593. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

594. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie

in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

595. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

596. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

597. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

598. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

**t. Claim 22**

599. Teva incorporates by reference the contested facts set forth in Section II.C.3.s as though set forth herein.

600. Whether claim 22 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

601. Whether claim 22 of the '587 Patent would have been obvious to the POSA over the combination of the '406 Publication and the '514 Publication as of the priority date.

602. Whether the '406 Publication discloses an inhaler comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

603. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

604. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

605. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '406 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

606. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

607. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

608. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '406 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

**4. Alleged Obviousness Over the '021 Publication In View of the Knowledge of the POSA and/or the '514 Publication**

**a. Claim 1**

609. Teva incorporates by reference the facts alleged in Section II.C.2.a as though set forth herein.

610. Whether claim 1 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

611. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '021 Publication for modification.

612. Whether the '021 Publication discloses an inhaler for metered dose inhalation.

613. Whether the '021 Publication discloses a main body having a canister housing.

614. Whether the '021 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

615. Whether the '021 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

616. Whether the '021 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

617. Whether the '021 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

618. Whether the '021 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

619. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

620. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

621. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

622. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister

support formation protected against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

623. Whether the POSA would have been motivated or had reason as of the priority date to modify disclosures of the '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protected against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

624. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify disclosures of the '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protected against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

625. Whether claim 1 of the '289 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication.

626. Whether, from among the sea of prior art, the POSA would have selected the '021 Publication and '514 Publication for modification and combination.

627. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

628. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

629. Whether the POSA would have reasonably expected success as priority date if the POSA chose to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation.

630. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

631. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

632. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

**b. Claim 2**

633. Teva incorporates by reference the contested facts set forth in Section II.C.4.a as though set forth herein.

634. Whether claim 2 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

635. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

636. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

637. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

638. Whether claim 2 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication.

639. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

640. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

641. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the medicament canister is moveable relative to the dose counter.

c. **Claim 3**

642. Teva incorporates by reference the contested facts set forth in Section II.C.4.a as though set forth herein.

643. Whether claim 3 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

644. Whether claim 3 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

645. Whether the '021 Publication discloses an aperture formed in the inner wall through which the portion of the actuation member extends.

646. Whether the '021 Publication discloses an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

647. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

648. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

649. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

650. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '406 Publication with disclosures of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

651. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '406 Publication with disclosures of the '021 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

652. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inhaler comprises an aperture formed in the inner wall through which the portion of the actuation member extends.

**d. Claim 4**

653. Teva incorporates by reference the contested facts set forth in Sections II.C.2.b and II.C.4.a as though set forth herein.

654. Whether claim 4 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

655. Whether claim 4 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

656. Whether the '021 Publication discloses an inner wall canister support formation that is a support rail that extends longitudinally along the inside surface of the main body.

657. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

658. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

659. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

660. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

661. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

662. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

**e. Claim 5**

663. Teva incorporates by reference the contested facts set forth in Sections II.C.2.c and II.C.4.d as though set forth herein.

664. Whether claim 5 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

665. Whether claim 5 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

666. Whether the '021 Publication discloses a support rail including a step formed thereon.

667. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

668. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

669. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

670. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

671. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

672. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 in which the support rail includes a step formed thereon.

**f. Claim 6**

673. Teva incorporates by reference the contested facts set forth in Sections II.C.2.d and II.C.4.d as though set forth herein.

674. Whether claim 6 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

675. Whether claim 6 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

676. Whether the '021 Publication discloses a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

677. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

678. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

679. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

680. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

681. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

682. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

**g. Claim 7**

683. Teva incorporates by reference the contested facts set forth in Sections II.C.2.e and II.C.4.f as though set forth herein.

684. Whether claim 7 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

685. Whether claim 7 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

686. Whether the '021 Publication discloses a plurality of support rails, two of which are positioned at opposite ends of the inside surface of the main body to face each other.

687. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

688. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

689. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

690. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

691. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

692. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 6 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

#### **h. Claim 8**

693. Teva incorporates by reference the contested facts set forth in Sections II.C.2.f and II.C.4.d as though set forth herein.

694. Whether claim 8 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

695. Whether claim 8 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

696. Whether the '021 Publication discloses a support rail including two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

697. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

698. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

699. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

700. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

701. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

702. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 4 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

### i. **Claim 11**

703. Teva incorporates by reference the contested facts set forth in Sections II.C.2.g and II.C.4.a as though set forth herein.

704. Whether claim 11 of the '587 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

705. Whether claim 11 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

706. Whether the '021 Publication discloses an inhaler comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

707. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

708. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

709. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

710. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

711. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

712. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 1 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the actuation member and the central outlet port lie in a common plane coincident with longitudinal axis X.

**j. Claim 12**

713. Teva incorporates by reference the facts alleged in Section II.C.2.h as though set forth herein.

714. Whether claim 12 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

715. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '021 Publication for modification.

716. Whether the '021 Publication discloses an inhaler for metered dose inhalation.

717. Whether the '021 Publication discloses a main body having a canister housing.

718. Whether the '021 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

719. Whether the '021 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

720. Whether the '021 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

721. Whether the '021 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

722. Whether the '021 Publication discloses an inhaler wherein the inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

723. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

724. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

725. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

726. Whether claim 13 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication.

727. Whether, from among the sea of prior art, the POSA would have selected the '021 Publication and '514 Publication for modification and combination.

728. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

729. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler

including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

730. Whether the POSA would have reasonably expected success as priority date if the POSA chose to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation.

731. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

732. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '021 Publication to position an inner wall canister support formation such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

733. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X such that the first inner wall canister support formation protects against dose count errors by reducing rocking of the medicament canister towards or away from the actuation member.

**k. Claim 13**

734. Whether claim 13 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

735. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '021 Publication for modification.

736. Whether the '021 Publication discloses an inhaler for metered dose inhalation.

737. Whether the '021 Publication discloses a main body having a canister housing.

738. Whether the '021 Publication discloses a medicament canister, which is moveable relative to the canister housing and retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

739. Whether the '021 Publication discloses a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

740. Whether the '021 Publication discloses an inhaler wherein the canister housing has an inner wall, and a first inner wall canister support formation extending inwardly from a main surface of the inner wall.

741. Whether the '021 Publication discloses an inhaler wherein the canister housing has a longitudinal axis X which passes through the center of the central outlet port.

742. Whether the '021 Publication discloses an inhaler wherein the canister housing has an aperture formed in the inner wall through which the portion of the actuation member extends, and wherein the first inner wall canister support formation extends from the main surface of the inner wall to the aperture.

743. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

744. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

745. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

746. Whether the POSA would have found it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation that extends from the main surface of the inner wall to the aperture through which the portion of the actuation member extends.

747. Whether the POSA would have been motivated or had reason to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation that extends from the main surface of the inner wall to the aperture through which the portion of the actuation member extends.

748. Whether the POSA reasonably would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation that extends from the main surface of the inner wall to the aperture through which the portion of the actuation member extends.

749. Whether claim 13 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication.

750. Whether, from among the sea of prior art, the POSA would have selected the '021 Publication and '514 Publication for modification and combination.

751. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

752. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

753. Whether the POSA would have reasonably expected success as priority date if the POSA chose to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler including an inner wall canister support formation.

754. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler wherein the canister housing has an aperture formed in the inner wall through which the portion of the actuation member extends, and wherein the first inner wall canister support formation extends from the main surface of the inner wall to the aperture.

755. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler wherein the canister housing has an aperture formed in the inner wall through which the portion of the actuation member extends, and wherein the first inner wall canister support formation extends from the main surface of the inner wall to the aperture.

756. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '514 Publication and '021 Publication to arrive at an inhaler wherein the canister housing has an aperture formed in the inner wall through which the portion of the actuation member extends, and wherein the first inner wall canister support formation extends from the main surface of the inner wall to the aperture.

## **I. Claim 14**

757. Teva incorporates by reference the contested facts set forth in Section II.C.4.k as though set forth herein.

758. Whether claim 14 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

759. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

760. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

761. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '021 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

762. Whether claim 14 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication.

763. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

764. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the medicament canister is moveable relative to the dose counter.

#### **m. Claim 15**

765. Teva incorporates by reference the contested facts set forth in Section II.C.4.k as though set forth herein.

766. Whether claim 15 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

767. Whether claim 15 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

768. Whether the '021 Publication discloses an inner wall canister support formation that is a support rail that extends longitudinally along the inside surface of the main body.

769. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

770. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

771. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler

of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

772. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

773. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

774. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 in which the inner wall canister support formation is a support rail that extends longitudinally along the inside surface of the main body.

**n. Claim 16**

775. Teva incorporates by reference the contested facts set forth in Section II.C.4.m as though set forth herein.

776. Whether claim 16 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

777. Whether claim 16 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

778. Whether the '021 Publication discloses a support rail including a step formed thereon.

779. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

780. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

781. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

782. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

783. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

784. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 in which the support rail includes a step formed thereon.

**o. Claim 17**

785. Teva incorporates by reference the contested facts set forth in Section II.C.4.m as though set forth herein.

786. Whether claim 17 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

787. Whether claim 17 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

788. Whether the '021 Publication discloses a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

789. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

790. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

791. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

792. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

793. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

794. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 and include a plurality of support rails each of which extends longitudinally along an inside surface of the main body.

**p. Claim 18**

795. Teva incorporates by reference the contested facts set forth in Section II.C.4.o as though set forth herein.

796. Whether claim 18 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

797. Whether claim 18 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

798. Whether the '021 Publication discloses a plurality of support rails, two of which are positioned at opposite ends of the inside surface of the main body to face each other.

799. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

800. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

801. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

802. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

803. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

804. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 17 wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

**q. Claim 19**

805. Teva incorporates by reference the contested facts set forth in Section II.C.4.m as though set forth herein.

806. Whether claim 19 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

807. Whether claim 19 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

808. Whether the '021 Publication discloses a support rail including two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

809. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

810. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

811. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

812. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

813. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

814. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein the support rail includes two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

**r. Claim 20**

815. Teva incorporates by reference the contested facts set forth in Section II.C.4.m as though set forth herein.

816. Whether claim 20 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

817. Whether claim 20 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

818. Whether the '021 Publication discloses an inhaler wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

819. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

820. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

821. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

822. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

823. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

824. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 15 wherein a width dimension of the support rail is not constant, and the width dimension is greatest at the location where the support rail is closest to the aperture.

s. **Claim 21**

825. Teva incorporates by reference the contested facts set forth in Section II.C.4.k as though set forth herein.

826. Whether claim 21 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

827. Whether claim 21 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

828. Whether the '021 Publication discloses an inhaler wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

829. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

830. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

831. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

832. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

833. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

834. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 13 wherein the first inner wall canister support formation, the aperture, and a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister, all lie in a common plane coincident with a longitudinal axis X which passes through the center of the central outlet port.

**t. Claim 22**

835. Teva incorporates by reference the contested facts set forth in Section II.C.4.s as though set forth herein.

836. Whether claim 22 of the '587 Patent would have been obvious to the POSA over the '021 Publication as of the priority date.

837. Whether claim 22 of the '587 Patent would have been obvious to the POSA over the combination of the '021 Publication and the '514 Publication as of the priority date.

838. Whether the '021 Publication discloses an inhaler comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

839. Whether the POSA would have found it obvious as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

840. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

841. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to modify an embodiment of the '021 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

842. Whether the POSA would have found it obvious as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

843. Whether the POSA would have been motivated or had reason as of the priority date to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

844. Whether the POSA would have reasonably expected success as of the priority date if the POSA chose to combine disclosures of the '021 Publication with disclosures of the '514 Publication to arrive at the inhaler of claim 21 comprising a second inner wall canister support formation and wherein the second inner wall canister support formation, the first inner wall canister support formation, the aperture, and the central outlet port lie in a common plane coincident with longitudinal axis X.

845.

**D. '808 Patent**

**1. Alleged Anticipation by the '552 Publication**

**a. Claim 1**

846. Whether the '552 Publication anticipates claim 1 of the '808 Patent.

847. Whether any single embodiment in the '552 Publication discloses every limitation of claim 1 of the '808 patent as arranged in the claim.

848. Whether any embodiment of the '552 Publication discloses a dose counter for use in inhalers.

849. Whether the same embodiment of the '552 Publication discloses a dose counter arranged to display dosage information.

850. Whether the same embodiment of the '552 Publication discloses a dose counter with a drive system arranged to move a counter display incrementally in a first direction from a first station to a second station in response to actuation input.

851. Whether the same embodiment of the '552 Publication discloses a regulator arranged to act upon the counter display at the first station.

852. Whether the same embodiment of the '552 Publication discloses a regulator that regulates motion of the counter display at the first station to incremental movements.

**2. Alleged Anticipation by the '950 Publication**

**a. Claim 1**

853. Whether the '950 Publication anticipates claim 1 of the '808 Patent.

854. Whether any single embodiment in the '950 Publication discloses every limitation of claim 1 of the '808 patent as arranged in the claim.

855. Whether any embodiment of the '950 Publication discloses a dose counter for use in inhalers.

856. Whether the same embodiment of the '950 Publication discloses a dose counter arranged to display dosage information.

857. Whether the same embodiment of the '950 Publication discloses a dose counter with a drive system arranged to move a counter display incrementally in a first direction from a first station to a second station in response to actuation input.

858. Whether the same embodiment of the '950 Publication discloses a regulator arranged to act upon the counter display at the first station.

859. Whether the same embodiment of the '950 Publication discloses a regulator that regulates motion of the counter display at the first station to incremental movements.

### **3. Alleged Obviousness Over the '552 Publication in View of the Knowledge of the POSA**

#### **a. Claim 1**

860. Teva incorporates by reference the contested facts set forth in Section II.D.1.a as though set forth herein.

861. Whether claim 1 of the '808 Patent would have been obvious to the POSA over the '552 Publication as of the priority date.

862. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '552 Publication for modification.

863. Whether the POSA would have found it obvious to modify an embodiment of the '552 Publication wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

864. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '552 Publication wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

865. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '552 Publication wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

**b. Claim 27**

866. Teva incorporates by reference the contested facts set forth in Sections II.D.1.a and II.D.3.a as though set forth herein.

867. Whether the POSA would have found it obvious to modify an embodiment of the '552 Publication in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

868. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '552 Publication to arrive at the dose counter as claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

869. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '552 Publication to arrive at the dose counter as claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

870. Whether the POSA would have found it a matter of routine optimization as of the priority date to modify an embodiment of the '552 Publication to arrive at the dose counter as claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

**c. Claim 28**

871. Teva incorporates by reference the contested facts set forth in Sections II.D.1.a and II.D.3.b as though set forth herein.

872. Whether the POSA would have found it obvious to modify an embodiment of the '552 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

873. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '552 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

874. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '552 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

875. Whether the POSA would have found it a matter of routine optimization as of the priority date in modifying an embodiment of the '552 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

**4. Alleged Obviousness Over the '950 Publication in View of the Knowledge of the POSA**

**a. Claim 1**

876. Teva incorporates by reference the contested facts set forth in Section II.D.2.a as though set forth herein.

877. Whether claim 1 of the '808 Patent would have been obvious to the POSA over the '950 Publication as of the priority date.

878. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '950 Publication for modification.

879. Whether the POSA would have found it obvious to modify an embodiment of the '950 Publication wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

880. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '950 Publication wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

881. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '950 Publication wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

**b. Claim 27**

882. Teva incorporates by reference the contested facts set forth in Sections II.D.2.a and II.D.4.a as though set forth herein.

883. Whether the POSA would have found it obvious to modify an embodiment of the '950 Publication in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

884. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '950 Publication to arrive at the dose counter as claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

885. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '950 Publication to arrive at the dose counter as claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

886. Whether the POSA would have found it a matter of routine optimization as of the priority date to modify an embodiment of the '950 Publication to arrive at the dose counter as

claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

**c. Claim 28**

887. Teva incorporates by reference the contested facts set forth in Sections II.D.2.a and II.D.4.b as though set forth herein.

888. Whether the POSA would have found it obvious to modify an embodiment of the '950 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

889. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '950 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

890. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '950 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

891. Whether the POSA would have found it a matter of routine optimization as of the priority date to modify an embodiment of the '950 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

**5. Alleged Obviousness Over the '406 Publication in View of the Knowledge of the POSA**

**a. Claim 1**

892. Whether claim 1 of the '808 Patent would have been obvious to the POSA over the '406 Publication as of the priority date.

893. Whether, from among the sea of prior art, the POSA would have selected an embodiment of the '406 Publication for modification.

894. Whether an embodiment of the '406 Publication discloses a dose counter with a drive system arranged to move a counter display incrementally in a first direction from a first station to a second station in response to actuation input.

895. Whether an embodiment of the '406 Publication discloses a regulator arranged to act upon the counter display at the first station.

896. Whether an embodiment of the '406 Publication discloses a regulator that regulates motion of the counter display at the first station to incremental movements.

897. Whether the POSA would have found it obvious to modify an embodiment of the '406 Publication wherein a regulator is provided which is arranged to act upon the counter

display at the first station to regulate motion of the counter display at the first station to incremental movements.

898. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

899. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '406 Publication wherein a regulator is provided which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

**b. Claim 27**

900. Teva incorporates by reference the contested facts set forth in Section II.D.5.a as though set forth herein.

901. Whether the POSA would have found it obvious to modify an embodiment of the '406 Publication in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

902. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the dose counter as claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

903. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '406 Publication to arrive at the dose counter as claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

904. Whether the POSA would have found it a matter of routine optimization as of the priority date to modify an embodiment of the '406 Publication to arrive at the dose counter as claimed in claim 1 in which the regulator provides a resistance force of greater than 0.1 N against movement of the counter display.

**c. Claim 28**

905. Teva incorporates by reference the contested facts set forth in Section II.D.5.b as though set forth herein.

906. Whether the POSA would have found it obvious to modify an embodiment of the '406 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

907. Whether the POSA would have been motivated or had reason as of the priority date to modify an embodiment of the '406 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

908. Whether the POSA would have reasonably expected success as of the priority date in modifying an embodiment of the '406 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

909. Whether the POSA would have found it a matter of routine optimization as of the priority date to modify an embodiment of the '406 Publication to arrive at the dose counter as claimed in claim 27 in which the resistance force is greater than 0.3 N.

#### **E. Alleged Inadequate Written Description Support**

910. Whether the Asserted Claims of the '808 Patent are invalid for lack of adequate written description support under Teva's proposed construction of the term "counter display arranged to indicate dosage information"?

911. Whether the POSA would understand that the inventors had possession of the full scope of the inventions recited in the Asserted Claims of the '808 Patent as of their priority dates in view of the '808 Patent, the intrinsic evidence, and/or the POSA's knowledge.

#### **F. Alleged Inadequate Enablement Support**

912. Whether the Asserted Claims of the '808 Patent are invalid for lack of adequate enablement support under Teva's proposed construction of the term "counter display arranged to indicate dosage information".

913. Whether the POSA would be able to practice the full scope of the inventions recited in the Asserted Claims of the '808 Patent without undue experimentation in view of the '808 Patent, the intrinsic evidence, and/or the POSA's knowledge.

### **III. Objective Indicia of Non-Obviousness**

914. Whether long-felt, unmet needs support the non-obviousness of the Asserted Claims.

915. Whether failure of others supports the non-obviousness of the Asserted Claims.

916. Whether industry acceptance supports the non-obviousness of the Asserted Claims.

917. Whether praise supports the non-obviousness of the Asserted Claims.

918. Whether copying supports the non-obviousness of the Asserted Claims.

919. Whether the inventions claimed by the Asserted Claims satisfied multiple, long-felt, unmet needs in the field of pulmonary medicine, including the need for inhalers with dose

counters with sufficient functionality, accuracy (including with respect to under- and over-counting), reliability, maintainability (and ability to be cleaned), robustness, manufacturability, minimal impact on device performance, and human factors (including aesthetics, ergonomics, and other human factors).

920. Whether others had tried, but failed to research and develop inhalers with dose counters with the properties of the claimed inventions, including inhalers having dose counters with sufficient functionality, accuracy (including with respect to under- and over-counting), reliability, maintainability (and ability to be cleaned), robustness, manufacturability, minimal impact on device performance, and human factors (including aesthetics, ergonomics, and other human factors).

921. Whether the inventions claimed by the Asserted Claims have received industry recognition.

922. Whether the inventions claimed by the Asserted Claims have received praise.

923. Whether the inventions claimed by the Asserted Claims have been copied by others (that is, Cipla and Aurobindo) in the field of pulmonary medicine.

924. Whether the inventions claimed by the Asserted Claims (as embodied by ProAir® HFA with dose counter and Qvar® HFA with dose counter) satisfied multiple, long-felt, unmet needs in the field of pulmonary medicine, including the need for inhalers with dose counters with sufficient functionality, accuracy (including with respect to under- and over-counting), reliability, maintainability (and ability to be cleaned), robustness, manufacturability, minimal impact on device performance, and human factors (including aesthetics, ergonomics, and other human factors).

925. Whether the inventions claimed by the Asserted Claims (as embodied by ProAir® HFA with dose counter and Qvar® HFA with dose counter) have received industry recognition.

926. Whether the inventions claimed by the Asserted Claims (as embodied by ProAir® HFA with dose counter and Qvar® HFA with dose counter) have received praise.

927. Whether Qvar® HFA with dose counter embodies each of the Asserted Claims.

928. Whether ProAir® HFA with dose counter embodies each of the Asserted Claims.

929. Whether the inventions claimed by the Asserted Claims have a sufficient nexus to the asserted objective indicia of non-obviousness.

#### **IV. Remedies**

930. Whether Teva is entitled to a judgment that Cipla's ANDA Product and Aurobindo's ANDA Product will infringe the '289, '587, and '808 Patents.

931. Whether Teva is entitled to an order that the effective date(s) of FDA's approval of Cipla's ANDA Product and Aurobindo's ANDA Product shall not be earlier than the expiration dates of the '289, '587, and '808 Patents, including any adjustments, extensions and exclusivities.

932. Whether Teva is entitled to an injunction prohibiting Cipla, Aurobindo, and their officers, agents, servants, and employees from manufacturing, using, offering for sale, selling, or importing into the United States Cipla's ANDA Product or Aurobindo's ANDA Product prior to the expiration dates of the '289, '587, and '808 Patents, including any adjustments, extensions, or exclusivities.

933. Whether the Court should determine that this is an exceptional case and award reasonable attorney fees to Teva.

934. Whether the Court should award costs to Teva.

# **Exhibit B**

**DEFENDANTS CIPLA LTD, AUROBINDO PARHMA LLC, AUROBINDO PHARMA  
USA, INC., AND AUROBLIFE PHARMA LLC'S  
STATEMENT OF CONTESTED FACTS**

Defendants' identification of the contested facts that remain to be litigated is based on Defendants' current understanding of Plaintiffs' claims and defenses. Defendants reserve the right to modify or supplement the issues of fact to be litigated in light of any pretrial rulings by the Court, including any ruling on claim construction, and/or any further identified issues of fact by Plaintiffs and/or to address any additional developments in the case, including anticipated motions and forthcoming document productions. Defendants reserve the right to prove additional details regarding, related to, or subsidiary to the below facts, including any facts identified in their pleadings, discovery responses, including in their contentions, and/or expert reports and depositions, which Defendants incorporate herein by reference. Defendants also reserve the right to prove or contest any fact identified by Plaintiffs in Plaintiffs' statement of contested facts. To the extent that Plaintiffs intend to attempt to introduce different or additional facts, Defendants reserve the right to supplement or amend this Statement and contest those facts, and to present any and all rebuttal evidence in response to those facts. To the extent that any of the identified contested facts are determined to constitute an issue of law, Defendants hereby incorporate such issues into the parties' statement of legal issues.

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## I. Alleged Infringement

1. Whether Defendants' ANDA Products practice embodiments, or obvious variations thereof, disclosed by the '406 Publication.

2. Whether Defendants' ANDA Products include a dose counter comprised of a housing, tens cone, units display ring, leaf spring, units teeth ring, indexer, and lid.

3. Whether, when assembled, all parts of the dose counter in Defendants' ANDA Products sit in the housing. The tens cone sits in one portion of the housing, while the units display ring sits in another portion. The leaf spring sits in the interior of the units display ring, the units teeth ring sits on top of the leaf spring, the indexer sits on top of the units teeth ring, and the lid connects to the housing. A portion of the indexer (castellations) protrude through the lid.

4. Whether the '406 Publication discloses a dose counter comprised of a housing, tens cone, units display ring, leaf spring, units teeth ring, indexer, and lid.

5. Whether the '406 Publication discloses that, when assembled, all parts of the dose counter sit in the housing. The tens cone sits in one portion of the housing, while the units display ring sits in another portion. The leaf spring sits in the interior of the units display ring, the units teeth ring sits on top of the leaf spring, the indexer sits on top of the units teeth ring, and the lid connects to the housing. A portion of the indexer (castellations) protrude through the lid.

6. Whether, aside from the orientation of the leaf spring, the shape of the indexer, Plaintiffs have identified any differences between the dose counter disclosed in the '406 Publication and the Defendants' ANDA Product. Plaintiffs have not identified how these

identified differences would indicate that the Defendants' ANDA Product does not practice the invention disclosed in the '406 Publication.

7. Whether Plaintiffs have disputed that the way the dose counter disclosed in the '406 Publication and the dose counter in Defendants' ANDA Products function is the same.

8. Whether the '406 Publication discloses an inhaler body for use with the dose counters disclosed in the '406 Publication.

9. Whether the inhaler bodies for use with the dose counter disclosed in the '406 Publication encompass the inhaler body used in the Defendants' ANDA Products.

**A. '289 Patent**

**1. Claim 1**

10. Whether Defendants' ANDA Products infringe claim 1 of the '289 Patent.

11. Whether Defendants' ANDA Products comprise a "first inner wall canister support formation" that meets every limitation of claim 1 of the '289 Patent, or an equivalent thereof.

12. Whether Defendants' ANDA Products comprise "a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister," or an equivalent thereof.

13. Whether two or more castellations on the indexer of Defendants' ANDA Products working in concert are, collectively, an "actuation member."

14. Whether two or more castellations on the indexer of Defendants' ANDA Products working in concert are, collectively, equivalent to an "actuation member."

15. Whether a single castellation on the indexer of Defendants' ANDA Products is an "actuation member," or an equivalent thereof

16. Whether a single castellation on the indexer of Defendants' ANDA Products is equivalent to an "actuation member."

17. Whether when depressed by the user, the canister in Defendants' ANDA Products can move a single castellation sufficient to cause the dose counter to record a count.

18. Whether a castellation on the indexer of Defendants' ANDA Products is a "pin."

19. Whether a castellation on the indexer of Defendants' ANDA Products is equivalent to a "pin."

20. Whether Defendants' ANDA Products comprise an inhaler in which "the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X," or an equivalent thereof.

21. If two or more castellations working in concert collectively are an "actuation member," whether a straight line can be drawn through a rib in Defendants' ANDA Product, every castellation working in concert to transmit motion from the canister, and the center of the central outlet port.

22. If a single castellation is found to be an "actuation member," whether a straight line can be drawn through a rib in Defendants' ANDA Products, and the single castellation, and the center of the central outlet port.

23. If Defendants' ANDA Products are found to have an "actuation member," whether any rib in Defendants' ANDA Products is "directly adjacent" to the castellation or group of castellations found to be the "actuation member" on the indexer of Defendants' ANDA Products.

24. If Defendants' ANDA Products are found to have an "actuation member," whether a rib that is not is "directly adjacent" to the castellation or group of castellations found to be the

“actuation member” on the indexer of Defendants’ ANDA Products is equivalent to an “inner wall canister support formation” directly adjacent to an “actuation member.”

**2. Claims 2, 4, 6, and 7**

25. Whether Defendants’ ANDA Products infringe claim 2 of the ’289 Patent.
26. With respect to claim 2 of the ’289 Patent, whether Defendants’ ANDA Products comprise an “inhaler as claimed in claim 1.”
27. Whether Defendants’ ANDA Products infringe claim 4 of the ’289 Patent.
28. With respect to claim 4 of the ’289 Patent, whether Defendants’ ANDA Products comprise an “inhaler as claimed in claim 1.”
29. Whether Defendants’ ANDA Products infringe claim 6 of the ’289 Patent.
30. With respect to claim 6 of the ’289 patent, whether Defendants’ ANDA Products comprise “the inhaler as claimed in claim 4.”
31. Whether Defendants’ ANDA Products infringe claim 7 of the ’289 Patent.
32. With respect to claim 7 of the ’289 patent, whether Defendants’ ANDA Products comprise “the inhaler as claimed in claim 6.”

**3. Claim 3**

33. Whether Defendants’ ANDA Products infringe claim 3 of the ’289 Patent.
34. Whether Defendants’ ANDA Products comprise an “inhaler as claimed in claim 1.”
35. Whether Defendants’ ANDA Products comprise “an aperture formed in the inner wall through which the portion of the actuation member extends,” or an equivalent thereof.
36. Whether Defendants’ ANDA Products comprise an “an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal

means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medicament.”

37. If Defendants’ ANDA Products do not comprise an “internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends,” whether any structure in Defendants’ ANDA Products is equivalent to an “internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends.”

38. Whether asserting that separate, removable structures (e.g., housing and lid) are equivalent to a specific requirement that particular wall surfaces of an inhaler body of the inhaler perform a specified function vitiates the claim language.

#### **4. Claim 5**

39. Whether Defendants’ ANDA Products infringe claim 5 of the ’289 Patent.

40. Whether Defendants’ ANDA Products comprise an “inhaler as claimed in claim 4.”

41. Whether a rib, meeting all limitations of the “first inner canister support formation,” in claims 1 and 4, comprises a “support rail includ[ing] a step formed thereon,” or an equivalent thereof.

42. Whether the beginning of a rib is a “step.”

43. Whether the end of a rib is a “step.”

44. Whether a rib, with a beginning and end, is equivalent to a rib with a “step formed thereon.”

#### **5. Claim 8**

45. Whether Defendants’ ANDA Products infringe claim 8 of the ’289 Patent.

46. Whether Defendants’ ANDA Products comprise an “inhaler as claimed in claim 4.”

47. Whether a rib, meeting all limitations of the “first inner canister support formation,” in claims 1 and 4, comprises a “support rail includ[ing] two steps formed thereon, the steps being spaced longitudinally along an inside surface of the main body,” or an equivalent thereof.

48. Whether the beginning of a rib is a “step.”

49. Whether the end of a rib is a “step.”

50. Whether a rib, with a beginning and end, is equivalent to a rib with “two steps formed thereon.”

**B. '587 Patent**

**1. Claim 1**

51. Whether Defendants’ ANDA Products infringe Claim 1 of the '587 Patent.

52. Whether Defendants’ ANDA Products comprise a “first inner wall canister support formation” that meets every limitation of claim 1 of the '587 Patent, or an equivalent thereof.

53. Whether Defendants’ ANDA Products comprise “a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister,” or an equivalent thereof.

54. Whether two or more castellations on the indexer of Defendants’ ANDA Products working in concert are, collectively, an “actuation member.”

55. Whether two or more castellations on the indexer of Defendants’ ANDA Products working in concert are, collectively, equivalent to an “actuation member.”

56. Whether a single castellation on the indexer of Defendants’ ANDA Products is an “actuation member.”

57. Whether a single castellation on the indexer of Defendants’ ANDA Products is equivalent to an “actuation member.”

58. Whether depressing the canister, in Defendants' ANDA Product, can move a single castellation sufficient to cause the dose counter to record a count.

59. Whether a castellation on the indexer of Defendants' ANDA Products is a "pin."

60. Whether a castellation on the indexer of Defendants' ANDA Products is equivalent to a "pin."

61. Whether Defendants' ANDA Products comprise an inhaler in which "the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler," or an equivalent thereof.

62. If two or more castellations working in concert collectively are an "actuation member," whether a straight line can be drawn through a rib in Defendants' ANDA Product, every castellation working in concert to transmit motion from the canister, and the center of the central outlet port.

63. If a single castellation is found to be an "actuation member," whether a straight line can be drawn through a rib in Defendants' ANDA Products, and the single castellation, and the center of the central outlet port.

64. If Defendants' ANDA Products are found to have an "actuation member, whether any rib in Defendants' ANDA Products is "directly adjacent" to the castellation or group of castellations found to be the "actuation member" on the indexer of Defendants' ANDA Products.

65. If Defendants' ANDA Products are found to have an "actuation member, whether a rib that is not is "directly adjacent" to the castellation or group of castellations found to be the

“actuation member” on the indexer of Defendants’ ANDA Products is equivalent to an “inner wall canister support formation” directly adjacent to an “actuation member.”

66. If Defendants’ ANDA Products are found to have an actuation member and a first inner wall canister support formation, whether the rib found to be the first inner wall canister support formation prevents unwanted actuation of the dose counter by reducing rocking of the medicament canister.

## **2. Claims 2, 4, 6, and 7**

67. Whether Defendants’ ANDA Products infringe claim 2 of the ’587 Patent.

68. With respect to claim 2 of the ’587 Patent, whether Defendants’ ANDA Products comprise an “inhaler as claimed in claim 1.”

69. Whether Defendants’ ANDA Products infringe claim 4 of the ’587 Patent.

70. With respect to claim 4 of the ’587 Patent, whether Defendants’ ANDA Products comprise an “inhaler as claimed in claim 1.”

71. Whether Defendants’ ANDA Products infringe claim 6 of the ’587 Patent.

72. With respect to claim 6 of the ’587 patent, whether Defendants’ ANDA Products comprise “the inhaler as claimed in claim 4.”

73. Whether Defendants’ ANDA Products infringe claim 7 of the ’587 Patent.

74. With respect to claim 7 of the ’587 patent, whether Defendants’ ANDA Products comprise “the inhaler as claimed in claim 6.”

## **3. Claim 3**

75. Whether Defendants’ ANDA Products infringe claim 3 of the ’587 Patent.

76. Whether Defendants’ ANDA Products comprise an “inhaler as claimed in claim 1.”

77. Whether Defendants' ANDA Products comprise "an aperture formed in the inner wall through which the portion of the actuation member extends," or an equivalent thereof.

78. Whether Defendants' ANDA Products comprise an "an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medicament."

79. If Defendants' ANDA Products do not comprise an "internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends," whether any structure in Defendants' ANDA Products is equivalent to an "internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends."

80. Whether asserting that separate, removable structures (e.g., housing and lid) are equivalent to a specific requirement that particular wall surfaces of an inhaler body of the inhaler perform a specified function vitiates the claim language.

#### 4. **Claim 5**

81. Whether Defendants' ANDA Products infringe claim 5 of the '587 Patent.

82. Whether Defendants' ANDA Products comprise an "inhaler as claimed in claim 4."

83. Whether a rib, meeting all limitations of the "first inner canister support formation," in claims 1 and 4, comprises a "support rail includ[ing] a step formed thereon," or an equivalent thereof.

84. Whether the beginning of a rib is a "step."

85. Whether the end of a rib is a "step."

86. Whether a rib, with a beginning and end, is equivalent to a rib with "a step formed thereon."

**5. Claim 8**

87. Whether Defendants' ANDA Products infringe claim 8 of the '587 Patent.
88. Whether Defendants' ANDA Products comprise an "inhaler as claimed in claim 4."
89. Whether a rib, meeting all limitations of the "first inner canister support formation," in claims 1 and 4 comprises a "support rail includ[ing] two steps formed thereon, the steps being spaced longitudinally along an inside surface of the main body," or an equivalent thereof.
90. Whether the beginning of a rib is a "step."
91. Whether the end of a rib is a "step."
92. Whether a rib, with a beginning and end, is equivalent to a rib with "two steps formed thereon."

**6. Claim 12**

93. Whether Defendants' ANDA Products infringe Claim 12 of the '587 Patent.
94. Whether Defendants' ANDA Products comprise a "first inner wall canister support formation" that meets every limitation of claim 12 of the '587 Patent, or an equivalent thereof.
95. Whether Defendants' ANDA Products comprise "a dose counter having an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister," or an equivalent thereof.
96. Whether two or more castellations on the indexer of Defendants' ANDA Products working in concert are, collectively, an "actuation member."
97. Whether two or more castellations on the indexer of Defendants' ANDA Products working in concert are, collectively, equivalent to an "actuation member."

98. Whether a single castellation on the indexer of Defendants' ANDA Products is an "actuation member."

99. Whether a single castellation on the indexer of Defendants' ANDA Products is equivalent to an "actuation member."

100. Whether depressing the canister, in Defendants' ANDA Products, can move a single castellation sufficient to cause the dose counter to record a count.

101. Whether a castellation on the indexer of Defendants' ANDA Products is a "pin."

102. Whether a castellation on the indexer of Defendants' ANDA Products is equivalent to a "pin."

103. Whether Defendants' ANDA Products comprise an inhaler in which "the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X such that the first inner wall canister support formation protects against dose counter errors by reducing rocking of the medicament canister towards or away the actuation member," or an equivalent thereof.

104. If two or more castellations working in concert collectively are an "actuation member," whether a straight line can be drawn through a rib in Defendants' ANDA Product, every castellation working in concert to transmit motion from the canister, and the center of the central outlet port.

105. If a single castellation is found to be an "actuation member," whether a straight line can be drawn through a rib in Defendants' ANDA Products, and the single castellation, and the center of the central outlet port.

106. If Defendants' ANDA Products are found to have an "actuation member, whether any rib in Defendants' ANDA Products is "directly adjacent" to the castellation or group of castellations found to be the "actuation member" on the indexer of Defendants' ANDA Products.

107. If Defendants' ANDA Products are found to have an "actuation member, whether a rib that is not is "directly adjacent" to the castellation or group of castellations found to be the "actuation member" on the indexer of Defendants' ANDA Products is equivalent to an "inner wall canister support formation" directly adjacent to an "actuation member."

108. If Defendants' ANDA Products are found to have an actuation member and a first inner wall canister support formation, whether the rib found to be the first inner wall canister support formation protects against dose counter by reducing rocking of the medicament canister towards or away the actuation member.

### C. '156 Patent

#### 1. Claim 1

Introductory Statement: Claim 1 of the '156 Patent is the subject of a proposed Motion in Limine requesting that Plaintiffs be precluded from presenting evidence or argument that the datum plane can be drawn at the top of a valve stem block. Subject to this motion, the following facts are in dispute.

109. Whether Cipla's ANDA Products infringe claim 1 of the '156 Patent.

110. Whether Cipla's ANDA Products comprise a dose counter comprising "a ratchet wheel having a plurality of circumferentially spaced teeth," or an equivalent thereof.

111. Whether the units teeth ring in Cipla's ANDA Products is a "ratchet wheel having a plurality of circumferentially spaced teeth," as claimed.

112. Whether the units teeth ring in Cipla's ANDA Products is equivalent to a "ratchet wheel having a plurality of circumferentially spaced teeth," as claimed.

113. Whether Cipla's ANDA Products comprise a dose counter comprising "an actuator comprising an actuator pawl arranged to engage with a first tooth of the ratchet wheel wherein the actuator can be driven in response to canister motion to drive the ratchet wheel to rotate," or an equivalent thereof.

114. Whether the protrusions on the bottom of the indexer in Cipla's ANDA Products is an "actuator pawl," as claimed.

115. Whether the protrusions on the bottom of the indexer in Cipla's ANDA Products are equivalent to an "actuator pawl," as claimed.

116. Whether Cipla's ANDA products comprise a dose counter comprising, "a count pawl arranged to engage with a second tooth of the ratchet wheel, wherein as the ratchet wheel is driven by the actuator to rotate, the count pawl rides along a forward surface of the second tooth and resiliently jumps over the second tooth," or an equivalent thereof.

117. Whether the protrusions on the bottom of the indexer in Cipla's ANDA Products is a "count pawl," as claimed.

118. Whether the protrusions on the bottom of the indexer in Cipla's ANDA Products are equivalent to a "count pawl," as claimed.

119. Whether the protrusions on the bottom of the indexer in Cipla's ANDA Products "ride[] along a forward surface of a second tooth and resiliently jump over the second tooth."

120. Whether the protrusions on the bottom of the indexer in Cipla's ANDA Products are equivalent to a count pawl that "rides along a forward surface of a second tooth and resiliently jump over the second tooth."

121. Whether Cipla's ANDA Products comprise a dose counter "wherein the actuator is arranged to define a first reset position in which the actuator pawl is brought into engagement with the first tooth," or an equivalent thereof.

122. If Cipla's proposed construction of "first reset position" is adopted, and the protrusions on the bottom of the indexer are found to be an "actuator pawl," whether the alleged actuator pawl is above the datum plane.

123. Whether Cipla's ANDA Products comprise a dose counter "wherein the actuator is further arranged such that, during a canister fire sequence, when the actuator is in a second position, which is after the first reset position and at a canister fire configuration, the medicament canister fires medicament before the dose counter reaches a count configuration, and wherein the actuator is in a third position after the second position, the count pawl resiliently jumps over the second tooth and the dose counter reaches the count configuration, whereby the dosage indicator has indicated a count," or an equivalent thereof.

124. Whether Cipla's ANDA Products comprise a dose counter that counts before or after a medicament dose is fired.

125. Whether, during a firing sequence, the indexer of Cipla's ANDA Products is in a canister fire configuration, wherein the medicament has fired, before reaching a count configuration.

126. If Cipla's ANDA products are found to have a "count pawl," whether Cipla's ANDA Products pass through a count configuration where the count pawl has resiliently jumped over the second tooth and the dosage indicator has indicated a count.

127. If Defendants' proposed construction of "count configuration" is adopted, whether when the indexer is in the claimed "count configuration," the actuator pawl in Cipla's ANDA Products is further below the datum plane than when in the fire configuration.

128. If Defendants' proposed construction of "canister fire sequence" is adopted, whether in the "start configuration" the alleged actuator pawl in Cipla's ANDA Products is spaced from the alleged ratchet wheel and the count pawl is engaged with the alleged ratchet wheel.

129. Whether Cipla's ANDA Products comprise a dose counter "wherein, in the canister fire configuration, the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister," or an equivalent thereto.

130. If Plaintiffs' proposed construction of "datum plane which passes through a shoulder of valve stem block configured to receive the medicament canister" is adopted, whether the datum plane, as claimed, can be located at the top of a valve stem block in view of the Prosecution History.

131. If Plaintiffs' proposed construction of "datum plane which passes through a shoulder of valve stem block configured to receive the medicament canister" is adopted, and if Cipla's ANDA Products are found to have an "actuator pawl," whether the alleged actuator pawl is below the datum plane in the canister fire configuration.

132. If Defendant's proposed construction of "datum plane which passes through a shoulder of valve stem block configured to receive the medicament canister" is adopted, and if Cipla's ANDA Products are found to have an "actuator pawl," whether the alleged actuator pawl is below the datum plane in the canister fire configuration.

133. Whether Plaintiffs are barred by prosecution history estoppel from asserting that a canister fire configuration where the actuator pawl is above the datum plane is equivalent to a canister fire configuration where the actuator pawl is below the datum plane.

134. If Plaintiffs are allowed to present evidence or argument that having the actuator pawl being above the datum plane is equivalent to the actuator being below the datum plane, and if Cipla's ANDA Products do not have an "actuator pawl" that is below the datum plane in the canister fire configuration, whether having the actuator pawl being above the datum plane is equivalent to the actuator being below the datum plane.

## **2. Claim 9**

135. Whether Cipla's ANDA Products infringe claim 9 of the '156 Patent.

136. Whether Cipla's ANDA Products comprise a "dose counter as claimed in claim 1."

## **3. Claim 11**

137. Whether Cipla's ANDA Products infringe claim 11 of the '156 Patent.

138. Whether Cipla's ANDA Products comprise a "dose counter as claimed in claim 1."

## **4. Claim 12**

139. Whether Cipla's ANDA Products infringe claim 12 of the '156 Patent.

140. Whether Cipla's ANDA Products comprise an "inhaler as claimed in claim 11."

141. Whether Cipla's ANDA Products comprise an inhaler in which "the body includes a canister receiving portion and a separate counter chamber; the body, ratchet wheel and actuator being located inside the counter chamber, the wall surfaces being provided with a communication aperture, an actuator member extending through the communication aperture to transmit canister motion to the actuator," or an equivalent thereto.

142. Whether Cipla's ANDA Products comprise an inhaler with an inhaler body having wall surfaces separating the canister receiving portion and the counter chamber.

143. If Cipla's ANDA Products do not comprise an inhaler with an inhaler body having wall surfaces separating the canister receiving portion and the counter chamber, whether any other structure in Cipla's ANDA Products is equivalent to wall surfaces of the inhaler body separating the canister receiving portion and the counter chamber.

144. If Defendants' construction of "separate counter chamber" is adopted, whether Cipla's ANDA Products comprise a "discrete space or cavity defined by the main surface of the inner walls and the inner wall through which a portion of the actuation member extends, in which the dose counter is located."

145. If Defendants' construction of "separate counter chamber" is adopted, whether a housing formed separately from the body of the inhaler and removable therefrom is equivalent to a "discrete space or cavity defined by the main surface of the inner walls and the inner wall through which a portion of the actuation member extends, in which the dose counter is located."

146. Whether asserting that separate, removable structures are equivalent to a specific requirement that particular wall surfaces of an inhaler body of the inhaler perform a specified function vitiates the claim language.

147. If Plaintiffs' construction of "the body" is adopted, whether Cipla's ANDA Products comprise a "body of the dose counter" inside a counter chamber.

## 5. **Claim 13**

148. Whether Cipla's ANDA Products infringe claim 13 of the '156 Patent.

149. Whether Cipla's ANDA Products comprise a "dose counter as claimed in claim 1."

150. Whether Cipla's ANDA Products comprise a dose counter, wherein "the shoulder is a bottom surface within the valve stem block and that datum plane is perpendicular to a direction of the movement of the medicament canister," or an equivalent thereto.

151. Whether, when the shoulder is a bottom surface within the valve stem block, and if Cipla's ANDA Products are found to have an "actuator pawl," the alleged actuator pawl is below the datum plane in the canister fire configuration.

152. Whether Plaintiffs are barred by prosecution history estoppel from asserting that a canister fire configuration where the actuator pawl is above the datum plane is equivalent to a canister fire configuration where the actuator pawl is below the datum plane.

153. If Plaintiffs are allowed to present evidence or argument that having the actuator pawl being above the datum plane is equivalent to the actuator being below the datum plane, and if Cipla's ANDA Products do not have an "actuator pawl" that is below the datum plane in the canister fire configuration, when the shoulder is a bottom surface within the valve stem block, whether having the actuator pawl being above the datum plane is equivalent to the actuator being below the datum plane.

#### **D. '808 Patent**

##### **1. Claim 1**

154. Whether Defendants' ANDA Products infringe claim 1 of the '808 Patent.

155. Whether Defendants' ANDA Products comprise a dose counter with "a drive system arranged to move a counter display incrementally in a first direction from a first station to a second station in response to actuation input," or an equivalent thereof.

156. If Plaintiffs' proposed constructions of "first station" and "second station" are adopted, whether a ring rotating in place is moving from a first region to a second region.

157. If Defendants' proposed constructions of "first station" and "second station" are adopted, whether a ring rotating in place is moving from a first structure to a second structure.

158. If a ring rotating in place is not found to be moving from a first structure to a second structure, or from a first region to a second region, whether a ring rotating in place is equivalent to moving from a first structure to a second structure, or from a first region to a second region.

159. Whether Defendants' ANDA Products have "a regulator which is arranged to act upon the counter display at the first station to regulate motion of the counter display at the fist station to incremental movement," or an equivalent thereof.

160. Whether the leaf spring in Defendants' ANDA Products is a regulator.

161. Whether the leaf spring in Defendants' ANDA Products acts upon the counter display at the first station.

162. Whether the leaf spring in Defendants' ANDA Products regulates motion of the counter display to incremental movements.

163. If the leaf spring in Defendants' ANDA Products is not a regulator, whether it is equivalent to a regulator arranged to act upon the counter display at the first station to regulate motion of the counter display at the fist station to incremental movements.

## 2. **Claim 27**

164. Whether Defendants' ANDA Products infringe claim 27 of the '808 Patent.

165. Whether Defendants' ANDA Products comprise the "dose counter in claim 1."

166. Whether Defendants' ANDA Products comprise a dose counter, with a regulator which "provides a resistance force of greater than 0.1N against movement of the counter display," or an equivalent thereto.

167. Whether the leaf spring in Defendants' ANDA Products provides more than 0.1N resistance force against the movement of the units display ring or tens cone.

**3. Claim 28**

168. Whether Defendants' ANDA Products infringe claim 28 of the '808 Patent.

169. Whether Defendants' ANDA Products comprise the "dose counter as claimed in claim 27."

170. Whether Defendants' ANDA Products comprise a dose counter, with a regulator providing a resistance force against movement of the counter display, in which "the resistance force is greater than 0.3N," or an equivalent thereto.

171. Whether the leaf spring in Defendants' ANDA Products provides more than 0.3N resistance force against the movement of the units display ring or tens cone.

**E. Doctrine of Equivalents – Ensnarement of the '406 Publication**

172. Whether Defendants' ANDA Products practice an embodiment of the prior art '406 Publication.

173. Whether, to the extent Plaintiffs contend that any limitation of an Asserted Claim is present in the Defendants' ANDA Products under the Doctrine of Equivalence, expanding the claims under the Doctrine of Equivalence to captures Defendants' ANDA Products ensnares the prior art '406 Publication, particularly the embodiment practiced by the Defendants' ANDA Product.

**II. Invalidity**

**A. Prior Art**

174. As set forth in the undisputed facts, the parties do not contest that the following references are prior art to the Asserted Patents: DX-161, International Patent Publication No. WO 2007/124406 (“the ’406 Publication”); DX-162, International Patent Publication No. WO 2008/119552 (“the ’552 Publication”); DX-165, International Patent Publication No. WO 2003/101514 (“the ’514 Publication”); DX-155, United States Patent Application Publication No. US 2002/0047021 (“the ’021 Publication”); DX-174, U.S. Design Patent No. D416,998 (“the ’998 Patent”); DX-159, United States Patent Application Publication No. US 2002/0078950 (“the ’950 Publication”); DX-153, United States Patent Application Publication US 2006/0289008 (“the ’008 Publication”); DX-137, United States Patent No. 4,817,822 (“the ’822 Patent”); DX-138, United States Patent No. 7,407,066 (“the ’066 Patent”); DX-148, United States Patent No. 6,446,627 (“the ’627 Patent”); DX-139, United States Patent No. 8,584,668 (“the ’668 Patent”), is prior art to the Asserted Patents; DX-172, International Patent Publication No. WO 2004/060260 (“the ’260 Publication”); DX-163, United States Patent Publication No. US 2005/0087191 (“the ’191 Publication”); DX-164, International Patent Publication No. WO 2007/103712 (“the ’712 Publication”); DX-166, European Patent Publication No. EP 1,369,139 (“the ’139 Publication”); DX-167, United Kingdom Patent Publication No. GB 2,320,489 (“GB ’489”); DX-152, United States Patent Application Publication No. US 2005/0209558 (“the ’558 Publication”); DX-168, United Kingdom Patent No. GB 994,755 (“the ’755 Patent”); DX-169, European Patent Publication No. EP 1,321,159 (“the ’159 Publication”); DX-170, International Patent Publication No. WO 2006/126965 (“the ’965 Publication”); DX-154, United States Patent Application Publication No. US 2007/0277817 (“the ’817 Publication”); DX-171, International Patent Application No. WO 2005/113044 (“the ’044 Publication”); DX-083, *Metered Dose Inhalers: Actuators Old and New*, Expert Opin. Drug Deliv., 4(3):235-245 (2007) (“Lewis 2007”); DX-156,

United States Patent Application Publication No. US 2006/0107949 (“the ’949 Publication”); DX-157, United States Patent Application Publication No. US 2007/0062518 (“the ’518 Publication”); and DX-158, United States Patent Application Publication No. US 2007/0210102 (“the ’102 Publication”).

**B. Background**

175. Whether the earliest date to which any Asserted Patent may claim priority is May 18, 2010, the date on which Provisional Application No. 61/345,763 was filed.

176. Whether Defendants’ ANDA Products practice embodiments, or obvious variations thereof, of the ’406 Publication.

177. Whether Defendants’ ANDA Products include a dose counter comprised of a housing, tens cone, units display ring, leaf spring, units teeth ring, indexer, and lid.

178. Whether, when assembled, all parts of the dose counter in Defendants’ ANDA Products sit in the housing. The tens cone sits in one portion of the housing, while the units display ring sits in another portion. The leaf spring sits in the interior of the units display ring, the units teeth ring sits on top of the leaf spring, the indexer sits on top of the units teeth ring, and the lid connects to the housing. A portion of the indexer (castellations) protrude through the lid.

179. Whether the ’406 Publication discloses a dose counter comprised of a housing, tens cone, units display ring, leaf spring, units teeth ring, indexer, and lid.

180. Whether the ’406 Publication discloses that, when assembled, all parts of the dose counter sit in the housing. The tens cone sits in one portion of the housing, while the units display ring sits in another portion. The leaf spring sits in the interior of the units display ring, the units teeth ring sits on top of the leaf spring, the indexer sits on top of the units teeth ring, and the lid connects to the housing. A portion of the indexer (castellations) protrude through the lid.

181. Whether, aside from the orientation of the leaf spring, the shape of the indexer, Plaintiffs have identified any differences between the dose counter disclosed in the '406 Publication and the Defendants' ANDA Product. Plaintiffs have not identified how these identified differences would indicate that the Defendants' ANDA Product does not practice the invention disclosed in the '406 Publication.

182. Whether the '406 Publication discloses an inhaler body for use with the dose counters disclosed in the '406 Publication.

183. Whether the inhaler bodies for use with the dose counter disclosed in the '406 Publication encompass the inhaler body used in the Defendants' ANDA Products.

184. Whether the use of metered dose inhalation devices was well-known to persons of skill in the art prior to the earliest priority date.

185. Whether the use of ribs on inhaler bodies was well-known to persons of skill in the art by the earliest priority date.

186. Whether the use of dose counters in inhalers was well-known to persons of skill in the art by the earliest priority date.

187. Whether the numerous prior art references Defendants identify reflect the understanding of the POSA as of the earliest priority date.

188. Whether a POSA would have been motivated to select the references identified by Defendants from the prior art.

189. Whether Defendants' ANDA Products practice embodiments, or obvious variations thereof, disclosed by the '406 Publication.

190. Whether the prior art teaches away from use of the inhalers and/or dose counters disclosed in the '406 Publication for use, modification, or combination with the '514 Publication.

191. Whether the prior art teaches away from use of the inhalers and/or dose counters disclosed in the '514 Publication for use, modification, or combination with the '406 or '021 Publications.

192. Whether the prior art teaches away from use of the inhalers and/or dose counters disclosed in the '021 Publication for use, modification, or combination with the '514 Publication.

193. Whether the prior art teaches away from use of the inhalers and/or dose counters disclosed in the '552 Publication for use, modification, or combination.

194. Whether the prior art teaches away from use of the inhalers and/or dose counters disclosed in the '950 Publication for use, modification, or combination.

195. Whether a POSA would have limited their analysis of any prior art reference to a single embodiment.

196. Whether a POSA would have considered teachings applicable to all embodiments disclosed in a single reference when analyzing the reference.

### **C. '289 Patent**

#### **1. Anticipation by the '406 Publication**

##### **i. Claim 1**

197. Whether the '406 Publication anticipates claim 1 of the '289 Patent.

198. Whether the '406 Publication discloses an inhaler for metered dose inhalation.

199. Whether the '406 Publication discloses an inhaler having a main body with a canister housing.

200. Whether the '406 Publication discloses an inhaler having a dose counter.

201. Whether the '406 Publication discloses an inhaler having a medicament canister, moveable relative to the canister housing.

202. Whether the '406 Publication discloses an inhaler having a medicament canister retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

203. Whether the '406 Publication discloses a dose counter with an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

204. Whether the '406 Publication discloses an inhaler with a canister housing having an inner wall.

205. Whether the '406 Publication discloses an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

206. Whether the '406 Publication discloses an inhaler where the canister housing has a longitudinal axis X passing through the center of the central outlet port.

207. Whether the '406 Publication discloses an inner wall support formation, the actuation member, and the central outlet port lying in a common plain coincident with longitudinal axis X.

208. Whether the '406 Publication discloses the inner wall canister support formation, the actuation member, and the central outlet port in an arrangement such that a straight line can be drawn through the inner wall canister support formation, the actuation member, and the center of the central outlet port.

**ii. Claim 2**

209. Whether the '406 Publication anticipates claim 2 of the '289 Patent.

210. Whether the '406 Publication discloses an inhaler having a medicament canister, moveable relative to the dose counter.

**iii. Claim 3**

211. Whether the '406 Publication anticipates claim 3 of the '289 Patent.

212. Whether the '406 Publication discloses an aperture formed in the inner wall through which the portion of the actuation member extends.

213. Whether the '406 Publication discloses an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

**2. Anticipation by the '514 Publication**

**i. Claim 1**

214. Whether the '514 Publication anticipates claim 1 of the '289 Patent.

215. Whether the '514 Publication discloses an inhaler for metered dose inhalation.

216. Whether the '514 Publication discloses an inhaler having a main body with a canister housing.

217. Whether the '514 Publication discloses an inhaler having a medicament canister, moveable relative to the canister housing.

218. Whether the '514 Publication discloses an inhaler having a medicament canister retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

219. Whether the '514 Publication discloses an inhaler having a dose counter.

220. Whether the '514 Publication discloses a dose counter with an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

221. Whether the '514 Publication discloses an inhaler with a canister housing having an inner wall.

222. Whether the '514 Publication discloses an inhaler with a first inner wall canister support formation extending inwardly from a main surface of an inner wall.

223. Whether the '514 Publication discloses an inhaler where the canister housing has a longitudinal axis X passing through the center of the central outlet port.

224. Whether the '514 Publication discloses an inner wall support formation, the actuation member, and the central outlet port lying in a common plain coincident with longitudinal axis X.

225. Whether the '514 Publication discloses the inner wall canister support formation, the actuation member, and the central outlet port in an arrangement such that a straight line can be drawn through the inner wall canister support formation, the actuation member, and the center of the central outlet port.

**ii. Claim 4**

226. Whether the '514 Publication anticipates claim 4 of the '289 Patent.

227. Whether the '514 Publication discloses a first inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

**iii. Claim 5**

228. Whether the '514 Publication anticipates claim 5 of the '289 Patent.

229. Whether the '514 Publication discloses a support rail with a step formed thereon.

**iv. Claim 6**

230. Whether the '514 Publication anticipates claim 6 of the '289 Patent.

231. Whether the '514 Publication discloses a plurality of support rails extending longitudinally along an inside surface of the canister housing.

**v. Claim 7**

232. Whether the '514 Publication anticipates claim 7 of the '289 Patent.

233. Whether the '514 Publication discloses at least two support rails positioned at opposite ends of the inside surface of the main body of the inhaler to face each other.

**vi. Claim 8**

234. Whether the '514 Publication anticipates claim 8 of the '289 Patent.

235. Whether the '514 Publication discloses support rails with two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

**3. Obviousness Over the '406 Publication in View of the Knowledge of the POSA and/or the '514 Publication**

**i. Claim 1**

Introductory Statement: For efficiency, Defendants do not repeat contested facts already set forth in the anticipation sections relating to the '406 Publication and the '514 Publication, but incorporate by reference Paragraphs 249-260 and 266-277 above as contested facts with respect to claim 1 of the '289 Patent.

236. Whether claim 1 of the '289 Patent is obvious over the '406 Publication and the knowledge of the person of ordinary skill in the art.

237. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

238. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

239. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

240. Whether claim 1 of the '289 Patent is obvious over the combination of the '406 Publication and the '514 Publication

241. Whether, in view of the '514 Publication, a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

242. Whether, in view of the '514 Publication, a person of skill in the art would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

243. Whether, in view of the '514 Publication, a person of skill in the art would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

244. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

245. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation, the actuation member, and the central outlet port in an arrangement such that a straight line can be drawn through the inner wall canister support formation, the actuation member, and the center of the central outlet port.

246. Whether a person of skill in the art, in view of the '514 Publication, would find it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

247. Whether a person of skill in the art, in view of the '514 Publication, would find it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation, the actuation member, and the central outlet port in an arrangement such that a straight line can be drawn through the inner wall canister support formation, the actuation member, and the center of the central outlet port.

## ii. **Claim 2**

248. Whether claim 2 of the '289 Patent is obvious over the '406 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

249. Whether the '406 Publication discloses an inhaler having a medicament canister, moveable relative to the dose counter.

**iii. Claim 3**

250. Whether claim 3 of the '289 Patent is obvious over the '406 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

251. Whether the '406 Publication discloses an aperture formed in the inner wall through which the portion of the actuation member extends.

252. Whether the '406 Publication discloses an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

253. Whether it would have been obvious to a POSA modify the internal walls of the inhaler body of the '406 Publication to include an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

254. Whether a POSA would have expected success in modifying the internal walls of the inhaler body of the '406 Publication to include an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

**iv. Claim 4**

255. Whether claim 4 of the '289 Patent is obvious over the '406 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

256. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

257. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

258. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

259. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication in view of the '514 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

260. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

261. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

v. **Claim 5**

262. Whether claim 5 of the '289 Patent is obvious over the '406 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

263. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

264. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

265. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

266. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication in view of the '514 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

267. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

268. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

**vi. Claim 6**

269. Whether claim 6 of the '289 Patent is obvious over the '406 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

270. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

271. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

272. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

273. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication in view of the '514 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

274. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

275. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

**vii. Claim 7**

276. Whether claim 7 of the '289 Patent is obvious over the '406 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

277. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

278. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

279. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister

support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

280. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication in view of the '514 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

281. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

282. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '406 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

### viii. Claim 8

283. Whether claim 8 of the '289 Patent is obvious over the '406 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

284. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation

comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

285. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

286. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

287. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication in view of the '514 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

288. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

289. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

**4. Obviousness Over the '021 Publication in View of the Knowledge of the POSA and/or the '514 Publication**

**i. Claim 1**

290. Whether claim 1 of the '289 Patent is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

291. Whether the '021 Publication discloses an inhaler for metered dose inhalation.

292. Whether the '021 Publication discloses an inhaler having a main body with a canister housing.

293. Whether the '021 Publication discloses an inhaler having a medicament canister, moveable relative to the canister housing.

294. Whether the '021 Publication discloses an inhaler having a medicament canister, moveable relative to the dose counter.

295. Whether the '021 Publication discloses an inhaler having a medicament canister retained in a central outlet port of the canister housing arranged to mate with a canister fire stem of the medicament canister.

296. Whether the '021 Publication discloses an inhaler having a dose counter.

297. Whether the '021 Publication discloses a dose counter with an actuation member having at least a portion thereof located in the canister housing for operation by movement of the medicament canister.

298. Whether the '021 Publication discloses an inhaler with a canister housing having an inner wall.

299. Whether the '021 Publication discloses an inhaler where the canister housing has a longitudinal axis X passing through the center of the central outlet port.

300. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

301. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

302. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

303. Whether, in view of the '514 Publication, a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

304. Whether, in view of the '021 Publication, a person of skill in the art would have been motivated to modify the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

305. Whether, in view of the '021 Publication, a person of skill in the art would have expected success in modifying the canister housing disclosed in the '406 Publication to include an inner wall canister support formation extending inwardly from the inner wall of the canister housing.

306. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

307. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation, the actuation member, and the central outlet port in an arrangement such that a straight line can be drawn through the inner wall canister support formation, the actuation member, and the center of the central outlet port.

308. Whether a person of skill in the art, in view of the '514 Publication, would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation positioned such that the inner wall canister support formation, actuation member, and the central outlet port lie in a common plain coincident with longitudinal axis X.

309. Whether a person of skill in the art, in view of the '514 Publication, would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation, the actuation member, and the central outlet port in an arrangement such that a straight line can be drawn through the inner wall canister support formation, the actuation member, and the center of the central outlet port.

**ii. Claim 2**

310. Whether claim 2 of the '289 Patent is obvious over the '021 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

311. Whether the '021 Publication discloses an inhaler having a medicament canister, moveable relative to the dose counter.

**iii. Claim 3**

312. Whether claim 3 of the '289 Patent is obvious over the '021 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

313. Whether the '021 Publication discloses an aperture formed in the inner wall through which the portion of the actuation member extends.

314. Whether the '021 Publication discloses an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

315. Whether it would have been obvious to a POSA modify the internal walls of the inhaler body of the '406 Publication to include an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

316. Whether a POSA would have expected success in modifying the internal walls of the inhaler body of the '406 Publication to include an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

iv. **Claim 4**

317. Whether claim 4 of the '289 Patent is obvious over the '021 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

318. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

319. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

320. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

321. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication in view of the '514 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

322. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

323. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

v. **Claim 5**

324. Whether claim 5 of the '289 Patent is obvious over the '021 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

325. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

326. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

327. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

328. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication in view of the '514 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

329. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

330. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has a step formed thereon.

**vi. Claim 6**

331. Whether claim 6 of the '289 Patent is obvious over the '021 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

332. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

333. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '021 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

334. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '021 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body.

vii. **Claim 7**

335. Whether claim 7 of the '289 Patent is obvious over the '021 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

336. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

337. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '021 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

338. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '021 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

339. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication in view of the '514 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

340. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '021 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

341. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '021 Publication to include a plurality of inner wall canister support formations comprising support rails which extend longitudinally along an inside surface of the main body, wherein two of the plurality of support rails are positioned at opposite ends of the inside surface of the main body to face each other.

**viii. Claim 8**

342. Whether claim 8 of the '289 Patent is obvious over the '021 Publication in combination with the knowledge of the POSA and/or the '514 Publication.

343. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

344. Whether a person of skill in the art would have been motivated to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

345. Whether a person of skill in the art would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

346. Whether a person of skill in the art would find it obvious to modify the canister housing disclosed in the '021 Publication in view of the '514 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

347. Whether a person of skill in the art, in view of the '514 Publication, would have been motivated to modify the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

348. Whether a person of skill in the art, in view of the '514 Publication, would have expected success in modifying the canister housing disclosed in the '021 Publication to include an inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body, and has two steps formed thereon, the steps being spaced apart longitudinally along an inside surface of the main body.

#### **D. '587 Patent**

##### **1. Anticipation by the '406 Publication**

###### **i. Claim 1**

Introductory Statement: Claim 1 of the '587 Patent is identical to Claim 1 of the '289 Patent, except for the final limitations, which read:

<b>'289 Patent Claim 1</b>	<b>'587 Patent Claim 1</b>
the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X.	wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X <u>such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.</u>

For the sake of efficiency, Defendants do not repeat the contested facts from claim 1 of the '289, but incorporate by reference Paragraphs 249-260 above as contested facts with respect to claim 1 of the '587 Patent.

349. Whether the '406 Publication anticipates claim 1 of the '587 Patent.

350. Whether the '406 Publication discloses a first inner wall canister support formation, that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

**ii. Claim 2**

351. Whether the '406 Publication anticipates claim 2 of the '587 Patent.

352. Whether the '406 Publication discloses an inhaler having a medicament canister, moveable relative to the dose counter.

**iii. Claim 3**

353. Whether the '406 Publication anticipates claim 3 of the '587 Patent.

354. Whether the '406 Publication discloses an aperture formed in the inner wall through which the portion of the actuation member extends.

355. Whether the '406 Publication discloses an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

**iv. Claim 12**

Introductory Statement: Claim 12 of the '587 Patent is identical to Claim 1 of the '289 Patent, except for the final limitations, which read:

<b>'289 Patent Claim 1</b>	<b>'587 Patent Claim 12</b>
the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X.	wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X <u>such that the first inner wall canister support formation protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.</u>

For the sake of efficiency, Defendants do not repeat the contested facts from claim 1 of the '289, but incorporate by reference Paragraphs 249-260 above as contested facts with respect to claim 12 of the '587 Patent.

356. Whether the '406 Publication anticipates claim 12 of the '587 Patent.

357. Whether the '406 Publication discloses a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.

**2. Anticipation by the '514 Publication**

**i. Claim 1**

Introductory Statement: Claim 1 of the '587 Patent is identical to Claim 1 of the '289 Patent, except for the final limitations, which read:

<b>'289 Patent Claim 1</b>	<b>'587 Patent Claim 1</b>
the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X.	wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X <u>such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.</u>

For the sake of efficiency, Defendants do not repeat the contested facts from claim 1 of the '289, but incorporate by reference Paragraphs 266-277 above as contested facts with respect to claim 1 of the '587 Patent.

358. Whether the '514 Publication anticipates claim 1 of the '587 Patent.

359. Whether the '514 Publication discloses a first inner wall canister support formation, that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

**ii. Claim 4**

360. Whether the '514 Publication anticipates claim 4 of the '587 Patent.

361. Whether the '514 Publication discloses a first inner wall canister support formation comprising a support rail which extends longitudinally along an inside surface of the main body.

**iii. Claim 5**

362. Whether the '514 Publication anticipates claim 5 of the '587 Patent.

363. Whether the '514 Publication discloses a support rail with a step formed thereon.

**iv. Claim 6**

364. Whether the '514 Publication anticipates claim 6 of the '587 Patent.

365. Whether the '514 Publication discloses a plurality of support rails extending longitudinally along an inside surface of the canister housing.

**v. Claim 7**

366. Whether the '514 Publication anticipates claim 7 of the '587 Patent.

367. Whether the '514 Publication discloses at least two support rails positioned at opposite ends of the inside surface of the main body of the inhaler to face each other.

**vi. Claim 8**

368. Whether the '514 Publication anticipates claim 7 of the '587 Patent.

369. Whether the '514 Publication discloses at least two support rails positioned at opposite ends of the inside surface of the main body of the inhaler to face each other.

**vii. Claim 12**

Introductory Statement: Claim 1 of the '587 Patent is identical to Claim 1 of the '289 Patent, except for the final limitations, which read:

<b>'289 Patent Claim 1</b>	<b>'587 Patent Claim 1</b>
the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X.	wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X <u>such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by</u>

	<b><u>reducing rocking of the medicament canister relative to the main body of the inhaler.</u></b>
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For the sake of efficiency, Defendants do not repeat the contested facts from claim 1 of the '289, but incorporate by reference Paragraphs 249-260 and 266-277 above as contested facts with respect to claim 1 of the '587 Patent.

370. Whether the '514 Publication anticipates claim 12 of the '587 Patent.

371. Whether the '514 Publication discloses a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.

**3. Obviousness Over the '406 Publication in View of the Knowledge of the POSA and/or the '514 Publication**

**i. Claim 1**

Introductory Statement: Claim 1 of the '587 Patent is identical to Claim 1 of the '289 Patent, except for the final limitations, which read:

<b>'289 Patent Claim 1</b>	<b>'587 Patent Claim 1</b>
the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X.	wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X <b><u>such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.</u></b>

For the sake of efficiency, Defendants do not repeat the contested facts from claim 1 of the '289, but incorporate by reference Paragraphs 249-260, 266-277, and 288-299 above as contested facts with respect to claim 1 of the '587 Patent.

372. Whether claim 1 of the '587 Patent is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

373. Whether the '406 Publication in combination with the knowledge of the person of skill in the art discloses a first inner wall canister support formation that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

374. Whether the '406 Publication in combination with '514 Publication discloses a first inner wall canister support formation that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

375. Whether in view of the knowledge of the person of skill in the art and/or in view of the '514 Publication, a person of skill in the art would have been motivated to add a first inner wall canister support formation that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler to the canister housing of the '406 Publication.

376. Whether in view of the knowledge of the person of skill in the art and/or in view of the '514 Publication, a person of skill in the art would have expected success in adding a first inner wall canister support formation that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler to the canister housing of the '406 Publication.

**ii. Claim 2**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference

Paragraphs 261-262 and 300-301 above as contested facts with respect to claim 2 of the '587 Patent.

377. Whether claim 2 of the '587 Patent is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**iii. Claim 3**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 263-265 and 302-306 above as contested facts with respect to claim 3 of the '587 Patent.

378. Whether claim 3 of the '587 Patent is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

379. Whether it would have been obvious to a POSA modify the internal walls of the inhaler body of the '406 Publication to include an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

380. Whether a POSA would have expected success in modifying the internal walls of the inhaler body of the '406 Publication to include an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

**iv. Claim 4**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 278-279 and 307-313 above as contested facts with respect to claim 4 of the '587 Patent.

381. Whether claim 4 of the '587 Patent is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**v.      Claim 5**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 280-281 and 314-320 above as contested facts with respect to claim 5 of the '587 Patent.

382. Whether claim 5 of the '587 Patent is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**vi.      Claim 6**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 282-283 and 321-327 above as contested facts with respect to claim 6 of the '587 Patent.

383. Whether claim 6 of the '587 Patent is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**vii.      Claim 7**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 284-285 and 328-334 above as contested facts with respect to claim 7 of the '587 Patent.

384. Whether claim 7 of the '587 Patent is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

#### **viii. Claim 8**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 286-287 and 335-341 above as contested facts with respect to claim 8 of the '587 Patent.

385. Whether claim 8 of the '587 Patent is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

#### **ix. Claim 12**

Introductory Statement: Claim 12 of the '587 Patent is identical to Claim 1 of the '289 Patent, except for the final limitations, which read:

<b>'289 Patent Claim 1</b>	<b>'587 Patent Claim 12</b>
the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X.	wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X <u>such that the first inner wall canister support formation protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.</u>

For the sake of efficiency, Defendants do not repeat the contested facts from claim 1 of the '289, but incorporate by reference Paragraphs 249-260, 266-277, and 288-299 above as contested facts with respect to claim 12 of the '587 Patent.

386. Whether claim 12 of the '587 is obvious over the '406 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

387. Whether the '406 Publication in combination with the knowledge of the person of skill in the art discloses a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.

388. Whether the '406 Publication in combination with '514 Publication discloses a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.

389. Whether in view of the knowledge of the person of skill in the art and/or in view of the '514 Publication, a person of skill in the art would have been motivated to add a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member to the canister housing of the '406 Publication.

390. Whether in view of the knowledge of the person of skill in the art and/or in view of the '514 Publication, a person of skill in the art would have expected success in adding a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member to the canister housing of the '406 Publication.

**4. Obviousness Over the '021 Publication in View of the Knowledge of the POSA and/or the '514 Publication**

i. **Claim 1**

Introductory Statement: Claim 1 of the '587 Patent is identical to Claim 1 of the '289 Patent, except for the final limitations, which read:

<b>'289 Patent Claim 1</b>	<b>'587 Patent Claim 1</b>
the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X.	wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X <u>such that the first inner wall canister support formation protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.</u>

For the sake of efficiency, Defendants do not repeat the contested facts from claim 1 of the '289, but incorporate by reference Paragraphs 266-277 and 342-361 above as contested facts with respect to claim 1 of the '587 Patent.

391. Whether claim 1 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

392. Whether the '021 Publication in combination with the knowledge of the person of skill in the art discloses a first inner wall canister support formation that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

393. Whether the '021 Publication in combination with '514 Publication discloses a first inner wall canister support formation that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler.

394. Whether in view of the knowledge of the person of skill in the art and/or in view of the '514 Publication, a person of skill in the art would have been motivated to add a first inner wall

canister support formation that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler to the canister housing of the '021 Publication.

395. Whether in view of the knowledge of the person of skill in the art and/or in view of the '514 Publication, a person of skill in the art would have expected success in adding a first inner wall canister support formation that protects against unwanted actuation of the dose counter by reducing rocking of the medicament canister relative to the main body of the inhaler to the canister housing of the '021 Publication.

**ii. Claim 2**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 362-363 above as contested facts with respect to claim 2 of the '587 Patent.

396. Whether claim 2 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**iii. Claim 3**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 364-368 above as contested facts with respect to claim 3 of the '587 Patent.

397. Whether claim 3 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

398. Whether it would have been obvious to a POSA modify the internal walls of the inhaler body of the '021 Publication to include an internal wall of the inhaler body that is

horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

399. Whether a POSA would have expected success in modifying the internal walls of the inhaler body of the '021 Publication to include an internal wall of the inhaler body that is horizontal, through which a portion of the actuation member extends, where horizontal means substantially perpendicular to the primary direction of the movement of the medicament canister when it is pressed downward by the user to expel medication.

**iv. Claim 4**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 278-279 and 369-375 above as contested facts with respect to claim 4 of the '587 Patent.

400. Whether claim 4 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**v. Claim 5**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 280-281 and 376-382 above as contested facts with respect to claim 5 of the '587 Patent.

401. Whether claim 5 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**vi. Claim 6**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 282-283 and 383-386 above as contested facts with respect to claim 6 of the '587 Patent.

402. Whether claim 6 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**vii. Claim 7**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 284-285 and 387-393 above as contested facts with respect to claim 7 of the '587 Patent.

403. Whether claim 7 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

**viii. Claim 8**

Introductory Statement: For the sake of efficiency Defendants do not repeat contested facts previously set forth in connection with the '289 Patent, but instead incorporate by reference Paragraphs 286-287 and 394-400 above as contested facts with respect to claim 8 of the '587 Patent.

404. Whether claim 8 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

ix. **Claim 12**

Introductory Statement: Claim 12 of the '587 Patent is identical to Claim 1 of the '289 Patent, except for the final limitations, which read:

<b>'289 Patent Claim 1</b>	<b>'587 Patent Claim 12</b>
the inner wall canister support formation, the actuation member, and the central outlet port lying in a common plane coincident with the longitudinal axis X.	wherein the first inner wall canister support formation, the actuation member, and the central outlet port lie in a common plane coincident with the longitudinal axis X <u>such that the first inner wall canister support formation protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.</u>

For the sake of efficiency, Defendants do not repeat the contested facts from claim 1 of the '289, but incorporate by reference Paragraphs 266-277 and 342-361 above as contested facts with respect to claim 12 of the '587 Patent.

405. Whether claim 12 of the '587 is obvious over the '021 Publication in combination with the knowledge of the person of skill in the art and/or the '514 Publication.

406. Whether the '021 Publication in combination with the knowledge of the person of skill in the art discloses a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.

407. Whether the '021 Publication in combination with '514 Publication discloses a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member.

408. Whether in view of the knowledge of the person of skill in the art and/or in view of the '514 Publication, a person of skill in the art would have been motivated to add a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the

medicament canister towards or away from the actuation member to the canister housing of the '021 Publication.

409. Whether in view of the knowledge of the person of skill in the art and/or in view of the '514 Publication, a person of skill in the art would have expected success in adding a first inner wall canister support formation that protects against dose counter errors by reducing rocking of the medicament canister towards or away from the actuation member to the canister housing of the '021 Publication.

**E. '156 Patent**

**1. Anticipation by the '552 Publication**

**i. Claim 1**

410. Whether the '552 Publication anticipates claim 1 of the '156 Patent.

411. Whether the '552 Publication discloses a metered dose inhaler having a body arranged to retain a medicament canister of pre-determined configuration for movement of the medicament canister relative thereto.

412. Whether the '552 Publication discloses a ratchet wheel having a plurality of circumferentially spaced teeth.

413. Whether the '552 Publication discloses an actuator comprising an actuator pawl arranged to engage with a first tooth of the ratchet wheel.

414. Whether the '552 Publication discloses that the actuator can be driven in response to canister motion to drive the ratchet wheel to rotate.

415. Whether the '552 Publication discloses a count pawl arranged to engage with a second tooth of the ratchet wheel.

416. Whether the '552 Publication discloses that when the ratchet wheel is driven by the actuator to rotate, the count pawl ride along a forward surface of the second tooth and resiliently jump over the second tooth.

417. Whether the '552 Publication discloses a dosage indicator associated with the count pawl.

418. Whether the '552 Publication discloses a configuration in which the actuator pawl are brought into engagement with the first tooth.

419. Whether the '552 Publication discloses canister fire configuration, where the medicament canister fires medicament, and the dose counter has not yet reached a count configuration.

420. Whether the '552 Publication discloses a count configuration in which the count pawl has resiliently jumped over the second tooth, and the dosage indicator has indicated a count.

421. If Plaintiffs' identification of the datum plane is adopted, whether the '552 Publication discloses a canister fire configuration wherein the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister.

**ii. Claim 9**

422. Whether the '552 Publication anticipates claim 9 of the '156 Patent.

423. Whether the '552 Publication discloses that the count pawl and the ratchet wheel are arranged to permit one way incremental relative motion.

**iii. Claim 11**

424. Whether the '552 Publication anticipates claim 11 of the '156 Patent.

425. Whether the '552 Publication discloses an inhaler comprising the body arranged to retain the medicament canister of pre-determined configuration and the dose counter as claimed in claim 1.

**iv. Claim 12**

426. Whether the '552 Publication anticipates claim 12 of the '156 Patent.

427. Whether the '552 Publication discloses an inhaler body with a canister receiving portion.

428. Whether the '552 Publication discloses an inhaler body with a separate counter chamber.

429. Whether the '552 Publication discloses that the separate counter chamber contains a dose counter body, ratchet wheel, and actuator.

430. Whether the '552 Publication discloses an inhaler body having wall surfaces separating the canister-receiving portion and the counter chamber, the wall surfaces being provided with a communication aperture.

431. Whether the '552 Publication discloses communication apertures through which an actuation member extends.

432. Whether the '552 Publication discloses that the actuation members transmit canister motion to the actuator.

**v. Claim 13**

433. Whether the '552 Publication anticipates claim 13 of the '156 Patent.

434. Whether the '552 Publication discloses a canister fire configuration wherein the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block

configured to receive the medicament canister; wherein the shoulder is a bottom surface within the valve stem block and the datum plane is perpendicular to a direction of the movement of the medicament canister.

## **2. Anticipation by the '021 Publication**

### **i. Claim 1**

435. Whether the '021 Publication anticipates claim 1 of the '156 Patent.

436. Whether the '021 Publication discloses a metered dose inhaler having a body arranged to retain a medicament canister of pre-determined configuration for movement of the medicament canister relative thereto.

437. Whether the '021 Publication discloses a ratchet wheel having a plurality of circumferentially spaced teeth.

438. Whether the '021 Publication discloses an actuator comprising an actuator pawl arranged to engage with a first tooth of the ratchet wheel.

439. Whether the '021 Publication discloses that the actuator can be driven in response to canister motion to drive the ratchet wheel to rotate.

440. Whether the '021 Publication discloses a count pawl arranged to engage with a second tooth of the ratchet wheel.

441. Whether the '021 Publication discloses that when the ratchet wheel is driven by the actuator to rotate, the count pawl ride along a forward surface of the second tooth and resiliently jump over the second tooth.

442. Whether the '021 Publication discloses a dosage indicator associated with the count pawl.

443. Whether the '021 Publication discloses a configuration in which the actuator pawl are brought into engagement with the first tooth.

444. Whether the '021 Publication discloses canister fire configuration, where the medicament canister fires medicament, and the dose counter has not yet reached a count configuration.

445. Whether the '021 Publication discloses a count configuration in which the count pawl has resiliently jumped over the second tooth, and the dosage indicator has indicated a count.

446. Whether the '021 Publication discloses a canister fire configuration wherein the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister.

**ii. Claim 9**

447. Whether the '021 Publication anticipates claim 9 of the '156 Patent.

448. Whether the '021 Publication discloses that the count pawl and the ratchet wheel are arranged to permit one way incremental relative motion.

**iii. Claim 11**

449. Whether the '021 Publication anticipates claim 11 of the '156 Patent.

450. Whether the '021 Publication discloses an inhaler comprising the body arranged to retain the medicament canister of pre-determined configuration and the dose counter as claimed in claim 1.

**iv. Claim 12**

451. Whether the '021 Publication anticipates claim 12 of the '156 Patent.

452. Whether the '021 Publication discloses an inhaler body with a canister receiving portion.

453. Whether the '021 Publication discloses an inhaler body with a separate counter chamber.

454. Whether the '021 Publication discloses that the separate counter chamber contains a dose counter body, ratchet wheel, and actuator.

455. Whether the '021 Publication discloses an inhaler body having wall surfaces separating the canister-receiving portion and the counter chamber, the wall surfaces being provided with a communication aperture.

456. Whether the '021 Publication discloses communication apertures through which an actuation member extends.

457. Whether the '021 Publication discloses that the actuation members transmit canister motion to the actuator.

**v.        Claim 13**

458. Whether the '021 Publication anticipates claim 13 of the '156 Patent.

459. Whether the '021 Publication discloses a canister fire configuration wherein the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister; wherein the shoulder is a bottom surface within the valve stem block and the datum plane is perpendicular to a direction of the movement of the medicament canister.

**3.        Obviousness Over the '552 Publication in View of the Knowledge of the POSA**

**i.        Claim 1**

460. Whether claim 1 of the '156 Patent is obvious over the '552 Publication.

461. Whether the '552 Publication anticipates claim 1 of the '156 Patent.

462. Whether the '552 Publication discloses a metered dose inhaler having a body arranged to retain a medicament canister of pre-determined configuration for movement of the medicament canister relative thereto.

463. Whether the '552 Publication discloses a ratchet wheel having a plurality of circumferentially spaced teeth.

464. Whether the '552 Publication discloses an actuator comprising an actuator pawl arranged to engage with a first tooth of the ratchet wheel.

465. Whether the '552 Publication discloses that the actuator can be driven in response to canister motion to drive the ratchet wheel to rotate.

466. Whether the '552 Publication discloses a count pawl arranged to engage with a second tooth of the ratchet wheel.

467. Whether the '552 Publication discloses that when the ratchet wheel is driven by the actuator to rotate, the count pawl ride along a forward surface of the second tooth and resiliently jump over the second tooth.

468. Whether the '552 Publication discloses a dosage indicator associated with the count pawl.

469. Whether the '552 Publication discloses a configuration in which the actuator pawl are brought into engagement with the first tooth.

470. Whether the '552 Publication discloses canister fire configuration, where the medicament canister fires medicament, and the dose counter has not yet reached a count configuration.

471. Whether the '552 Publication discloses a count configuration in which the count pawl has resiliently jumped over the second tooth, and the dosage indicator has indicated a count.

472. If Cipla's identification of the datum plane is adopted, whether it would have been obvious to a person of skill in the art to modify the '552 Publication such that in a canister fire configuration the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister.

473. If Cipla's identification of the datum plane is adopted, whether a person of skill in the art would have been motived to modify the '552 Publication such that in a canister fire configuration the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister.

474. If Cipla's identification of the datum plane is adopted, whether a person of skill in the art would have expected success in modifying the '552 Publication such that in a canister fire configuration the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister.

**ii. Claim 9**

475. Whether claim 9 of the '156 Patent is obvious over the '552 Publication.

476. Whether the '552 Publication discloses that the count pawl and the ratchet wheel are arranged to permit one way incremental relative motion.

**iii. Claim 11**

477. Whether claim 11 of the '156 Patent is obvious over the '552 Publication.

478. Whether the '552 Publication discloses an inhaler comprising the body arranged to retain the medicament canister of pre-determined configuration and the dose counter as claimed in claim 1.

**iv. Claim 12**

479. Whether claim 12 of the '156 Patent is obvious over the '552 Publication.

480. Whether the '552 Publication discloses an inhaler body with a canister receiving portion.

481. Whether the '552 Publication discloses an inhaler body with a separate counter chamber.

482. Whether the '552 Publication discloses that the separate counter chamber contains a dose counter body, ratchet wheel, and actuator.

483. Whether the '552 Publication discloses an inhaler body having wall surfaces separating the canister-receiving portion and the counter chamber, the wall surfaces being provided with a communication aperture.

484. Whether the '552 Publication discloses communication apertures through which an actuation member extends.

485. Whether the '552 Publication discloses that the actuation members transmit canister motion to the actuator.

**v. Claim 13**

486. Whether claim 13 of the '156 Patent is obvious over the '552 Publication.

487. Whether it would have been obvious to a person of skill in the art to modify the '552 Publication such that in a canister fire configuration the actuator pawl is below a datum plane

which passes through a shoulder of a valve stem block configured to receive the medicament canister, wherein the shoulder is at a bottom surface within the valve stem block and the datum plane is perpendicular to a direction of the movement of the medicament canister.

488. Whether a person of skill in the art would have been motived to modify the '552 Publication such that in a canister fire configuration the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister, wherein the shoulder is at a bottom surface within the valve stem block and the datum plane is perpendicular to a direction of the movement of the medicament canister.

489. Whether a person of skill in the art would have expected success in modifying the '552 Publication such that in a canister fire configuration the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister, wherein the shoulder is at a bottom surface within the valve stem block and the datum plane is perpendicular to a direction of the movement of the medicament canister.

**4. Obviousness Over the '406 Publication in View of the Knowledge of the POSA**

**i. Claim 1**

490. Whether claim 1 of the '156 Patent is obvious over the '406 Publication.

491. Whether the '406 Publication discloses a metered dose inhaler having a body arranged to retain a medicament canister of pre-determined configuration for movement of the medicament canister relative thereto.

492. Whether the '406 Publication discloses a medicament canister containing an active drug.

493. Whether the '406 Publication discloses a dose counter for use in metered dose inhalers.

494. Whether the '406 Publication discloses a ratchet wheel (units teeth ring) having a plurality of circumferentially spaced teeth.

495. Whether the '406 Publication discloses an actuator (indexer) comprising an actuator pawl (protrusions on bottom of indexer) arranged to engage with a first tooth of the ratchet wheel (units teeth ring).

496. Whether the '406 Publication discloses that the actuator (indexer) can be driven in response to canister motion to drive the ratchet wheel (units teeth ring) to rotate.

497. Whether the '406 Publication discloses a count pawl (protrusions on the bottom of the indexer) arranged to engage with a second tooth of the ratchet wheel (units teeth ring).

498. Whether the '406 Publication discloses that when the ratchet wheel (units teeth ring) is driven by the actuator (indexer) to rotate, the count pawl (protrusions on the bottom of the indexer) ride along a forward surface of the second tooth and resiliently jump over the second tooth.

499. Whether the '406 Publication discloses a dosage indicator associated with the count pawl (protrusions on the bottom of the indexer).

500. Whether the '406 Publication discloses a configuration in which the actuator pawl (protrusions on the bottom of the indexer) are brought into engagement with the first tooth.

501. Whether the '406 Publication discloses canister fire configuration, where the medicament canister fires medicament, and the dose counter has not yet reached a count configuration.

502. Whether the '406 Publication discloses a count configuration in which the count pawl (protrusions on the bottom of the indexer) has resiliently jumped over the second tooth, and the dosage indicator has indicated a count.

503. Whether the '406 Publication discloses a canister fire configuration wherein the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister.

**ii. Claim 9**

504. Whether claim 9 of the '156 Patent is obvious over the '406 Publication.

505. Whether the '406 Publication discloses that the count pawl (protrusions on the bottom of the indexer) and the ratchet wheel (units teeth ring) are arranged to permit one way incremental relative motion.

**iii. Claim 11**

506. Whether claim 11 of the '156 Patent is obvious over the '406 Publication.

507. Whether the '406 Publication discloses an inhaler comprising the body arranged to retain the medicament canister of pre-determined configuration and the dose counter as claimed in claim 1.

**iv. Claim 12**

508. Whether claim 12 of the '156 Patent is obvious over the '406 Publication.

509. Whether the '406 Publication discloses an inhaler body with a canister receiving portion.

510. Whether the '406 Publication discloses an inhaler body with a separate counter chamber (housing).

511. Whether the '406 Publication discloses that the separate counter chamber (housing) contains a dose counter body, ratchet wheel (units teeth ring), and actuator (indexer).

512. Whether the '406 Publication discloses an inhaler body having wall surfaces separating the canister-receiving portion and the counter chamber, the wall surfaces being provided with a communication aperture.

513. Whether the '406 Publication discloses communication apertures through which an actuation member (castellation) extends.

514. Whether the '406 Publication discloses that the actuation members (castellations) transmit canister motion to the actuator (indexer).

**v.        Claim 13**

515. Whether claim 13 of the '156 Patent is obvious over the '406 Publication.

516. Whether the '406 Publication discloses a canister fire configuration wherein the actuator pawl is below a datum plane which passes through a shoulder of a valve stem block configured to receive the medicament canister; wherein the shoulder is a bottom surface within the valve stem block and the datum plane is perpendicular to a direction of the movement of the medicament canister.

**5.        Indefiniteness of Claim 12**

517. Whether claim 12 of the '156 Patent is indefinite.

518. Whether the term "the body" in claim 12 of the '156 Patent is indefinite.

**F.        '808 Patent**

**1.        Anticipation by the '552 Publication**

**i. Claim 1**

519. Whether the '552 Publication anticipates claim 1 of the '808 Patent.

520. Whether the '552 Publication discloses a dose counter for use in inhalers.

521. Whether the '552 Publication discloses a dose counter arranged to display dosage information.

522. Whether the '552 Publication discloses a dose counter with a drive system arranged to move a counter display incrementally in a first direction from a first station to a second station in response to actuation input.

523. Whether the '552 Publication discloses a regulator arranged to act upon the counter display at the first station.

524. Whether the '552 Publication discloses a regulator that regulates motion of the counter display at the first station to incremental movements.

**2. Anticipation by the '950 Publication**

**i. Claim 1**

525. Whether the '950 Publication anticipates claim 1 of the '808 Patent.

526. Whether the '950 Publication discloses a dose counter for use in inhalers.

527. Whether the '950 Publication discloses a dose counter arranged to display dosage information.

528. Whether the '950 Publication discloses a dose counter with a drive system arranged to move a counter display incrementally in a first direction from a first station to a second station in response to actuation input.

529. Whether the '950 Publication discloses a regulator arranged to act upon the counter display at the first station.

530. Whether the '950 Publication discloses a regulator that regulates motion of the counter display at the first station to incremental movements.

**3. Obviousness Over the '552 Publication in View of the Knowledge of the POSA**

**i. Claim 1**

531. Whether claim 1 of the '808 Patent is obvious over the '552 Publication.

532. Whether the '552 Publication discloses a dose counter for use in inhalers.

533. Whether the '552 Publication discloses a dose counter arranged to display dosage information.

534. Whether the '552 Publication discloses a dose counter with a drive system arranged to move a counter display incrementally in a first direction from a first station to a second station in response to actuation input.

535. Whether it would have been obvious to a person of skill in the art to modify the '552 Publication to include a regulator arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

536. Whether a person of skill in the art would have been motivated to modify the '552 Publication to include a regulator arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

537. Whether a person of skill in the art would have expected success in modifying the '552 Publication to include a regulator arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

**ii. Claim 27**

538. Whether claim 27 of the '808 Patent is obvious over the '552 Publication.

539. Whether it would have been a matter of routine optimization for a person of skill in the art to determine that a force of great than 0.1N regulated movement of the counter display to incremental movements.

**iii. Claim 28**

540. Whether claim 28 of the '808 Patent is obvious over the '552 Publication.

541. Whether it would have been a matter of routine optimization for a person of skill in the art to determine that a force of great than 0.3N regulated movement of the counter display to incremental movements.

**4. Obviousness Over the '950 Publication in View of the Knowledge of the POSA**

**i. Claim 1**

542. Whether claim 1 of the '808 Patent is obvious over the '950 Publication.

543. Whether the '950 Publication discloses a dose counter for use in inhalers.

544. Whether the '950 Publication discloses a dose counter arranged to display dosage information.

545. Whether the '950 Publication discloses a dose counter with a drive system arranged to move a counter display incrementally in a first direction from a first station to a second station in response to actuation input.

546. Whether it would have been obvious to a person of skill in the art to modify the '950 Publication to include a regulator arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

547. Whether a person of skill in the art would have been motivated to modify the '950 Publication to include a regulator arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

548. Whether a person of skill in the art would have expected success in modifying the '950 Publication to include a regulator arranged to act upon the counter display at the first station to regulate motion of the counter display at the first station to incremental movements.

**ii. Claim 27**

549. Whether claim 27 of the '808 Patent is obvious over the '950 Publication.

550. Whether it would have been a matter of routine optimization for a person of skill in the art to determine that a force of great than 0.1N regulated movement of the counter display to incremental movements.

**iii. Claim 28**

551. Whether claim 28 of the '808 Patent is obvious over the '950 Publication.

552. Whether it would have been a matter of routine optimization for a person of skill in the art to determine that a force of great than 0.3N regulated movement of the counter display to incremental movements.

**5. Obviousness Over the '406 Publication in View of the Knowledge of the POSA**

**i. Claim 1**

553. Whether claim 1 of the '808 Patent is obvious over the '406 Publication.

554. Whether the '406 Publication discloses a dose counter for use in inhalers.

555. Whether the '406 Publication discloses a dose counter arranged to display dosage information.

556. Whether the '406 Publication discloses a dose counter with a drive system arranged to move a counter display (units display ring and/or tens cone) incrementally in a first direction from a first station to a second station in response to actuation input.

557. Whether the '406 Publication discloses a regulator (leaf spring) arranged to act upon the counter display (units display ring and/or tens cone) at the first station.

558. Whether the '406 Publication discloses a regulator (leaf spring) that regulates motion of the counter display (units display ring and/or tens cone) at the first station to incremental movements.

**ii. Claim 27**

559. Whether claim 27 of the '808 Patent is obvious over the '406 Publication.

560. Whether it would have been a matter of routine optimization for a person of skill in the art to determine that a force of great than 0.1N regulated movement of the counter display to incremental movements.

**iii. Claim 28**

561. Whether claim 28 of the '808 Patent is obvious over the '406 Publication.

562. Whether it would have been a matter of routine optimization for a person of skill in the art to determine that a force of great than 0.3N regulated movement of the counter display to incremental movements.

## **6. Inadequate Written Description Support**

563. If Plaintiffs' construction of "counter display arranged to indicate dosage information" is adopted, whether claim 1 lacks written description support.

564. If Plaintiffs' construction of "counter display arranged to indicate dosage information" is adopted, whether a POSA would understand that the inventors had possession of the full scope of the inventions, including a counter display moving in two different directions simultaneously without undue experimentation in view of the specification of the '808 Patent.

## **7. Inadequate Enablement Support**

565. If Plaintiffs' construction of "counter display arranged to indicate dosage information" is adopted, whether claim 1 lacks enablement.

566. If Plaintiffs' construction of "counter display arranged to indicate dosage information" is adopted, whether a POSA could practice the full scope of the inventions, including a counter display moving in two different directions simultaneously without undue experimentation in view of the disclosure of the '808 Patent and/or the POSA's knowledge.

## **III. Alleged Objective Indicia of Non-Obviousness**

567. Whether long-felt, unmet needs support the non-obviousness of the Asserted Claims.

568. Whether any long-felt unmet need was resolved by the Asserted Claims.

569. Whether there is a nexus between any long-felt unmet need allegedly resolved by the Asserted Claims and the Asserted Claims.

570. Whether any alleged long-felt unmet need allegedly resolved by the Asserted Claims supports a finding of non-obviousness over the asserted obviousness combinations.

571. Whether there was any long-felt unmet need for inhalers with dose counters with the functionality, accuracy, and reliability of the inhalers with dose counter in the Asserted Claims.

572. Whether there was any long-felt unmet need for inhalers with dose counters that can be cleaned.

573. Whether the ability to be cleaned has any nexus to the Asserted Claims.

574. Whether there was any long-felt unmet need for inhalers with dose counters with the manufacturability of the inhalers with dose counters in the Asserted Claims.

575. Whether manufacturability has any nexus to the Asserted Claims.

576. Whether there is a nexus between any alleged industry acceptance as the Asserted Claims.

577. Whether there was a long-felt unmet need for inhalers with dose counters with the particular “human factors (including aesthetics, ergonomics and other human factors)” of the inhalers with dose counter in the Asserted Claims.

578. Whether the alleged “human factors (including aesthetics, ergonomics and other human factors)” have any nexus to the Asserted Claims.

579. Whether industry acceptance supports the non-obviousness of the Asserted Claims.

580. Whether the inventions claimed by the Asserted Claims have received industry recognition.

581. Whether industry acceptance is established by FDA approval.

582. Whether any alleged industry acceptance supports a finding of non-obviousness over the asserted obviousness combinations.

583. Whether industry praise supports the non-obviousness of the Asserted Claims.

584. Whether the inventions claimed by the Asserted Claims have received praise.

585. Whether there is any alleged nexus between any alleged praise and the Asserted Patents.

586. Whether the alleged praise is praise.

587. Whether any alleged praise supports a finding of non-obviousness over the asserted obviousness combinations.

588. Whether copying supports the non-obviousness of the Asserted Claims.

589. Whether Defendants copied the inhaler and dose counter claimed by the Asserted Claims.

590. Whether any alleged copying is copying.

591. Whether copying in the ANDA context is evidence of non-obviousness.

592. Whether any alleged copying of the Asserted Claims supports a finding of non-obviousness over the asserted obviousness combinations.

593. Whether failure of others supports the non-obviousness of the Asserted Claims.

594. Whether any others tried and failed in developing inhalers and/or dose counters satisfying the limitations of the Asserted Claims.

595. Whether any others tried and failed to solve problems allegedly addressed by the limitations of the Asserted Claims.

#### **IV. Remedies**

596. Whether Cipla is entitled to a declaration and judgment that Cipla does not infringe the Asserted Claims.

597. Whether Aurobindo is entitled to a declaration and judgment that Aurobindo does not infringe the Asserted Claims.

598. Whether Defendants are entitled to a declaration and judgment that the Asserted Claims are invalid.

599. Whether Cipla is entitled to a declaration and judgment that Cipla has the lawful right to manufacture, import, use, sell, and/or offer to sell Cipla's ANDA Product in the United States following approval from the FDA.

600. Whether Aurobindo is entitled to a declaration and judgment that Cipla has the lawful right to manufacture, import, use, sell, and/or offer to sell Cipla's ANDA Product in the United States following approval from the FDA.

601. Whether Cipla is entitled to an injunction prohibiting Plaintiffs and their agents, representatives, attorneys, and those persons in active concert or participation with them be preliminarily and permanently enjoined from threatening or initiating litigation alleging infringement of the '289, '587, '156, and '808 Patents against Cipla or any of its customers, dealers, or supplies, or any prospective or present sellers, dealers, distributors, or customers, or charging them, orally or in writing, with infringement of the '289, '587, '156, and '808 Patents.

602. Whether Aurobindo is entitled to an injunction prohibiting Plaintiffs and their agents, representatives, attorneys, and those persons in active concert or participation with them be preliminarily and permanently enjoined from threatening or initiating litigation alleging infringement of the '289, '587, and '808 Patents against Cipla or any of its customers, dealers, or supplies, or any prospective or present sellers, dealers, distributors, or customers, or charging them, orally or in writing, with infringement of the '289, '587, and '808 Patents.

603. Whether Cipla is entitled to an award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.

604. Whether Cipla is entitled to an award of costs under Federal Rule of Civil Procedure 54(d)(1).

605. Whether Aurobindo is entitled to an award of attorney's fees under 35 U.S.C. § 285 because this is an exceptional case.

606. Whether Aurobindo is entitled to an award of costs under Federal Rule of Civil Procedure 54(d)(1).

56570199

# **Exhibit C**

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Bajpayee, Priyanka	5	23	6	3				
Bajpayee, Priyanka	6	5	6	12				
Bajpayee, Priyanka	7	18	7	22				
Bajpayee, Priyanka	8	6	8	9				
Bajpayee, Priyanka	10	9	10	19				
Bajpayee, Priyanka	11	13	11	18				
Bajpayee, Priyanka	16	18	17	3				
Bajpayee, Priyanka	17	6	17	18				
Bajpayee, Priyanka	17	21	17	23				
Bajpayee, Priyanka	17	25	18	7	S, V			
Bajpayee, Priyanka	18	11	18	23	S, V			
Bajpayee, Priyanka	23	2	23	3				
Bajpayee, Priyanka	23	9	23	16				
Bajpayee, Priyanka	24	5	24	19				
Bajpayee, Priyanka	24	21	24	23				
Bajpayee, Priyanka	24	24	25	6		25:7-14	U, O	
Bajpayee, Priyanka	25	15	26	25	NT (27:11-13)			
Bajpayee, Priyanka	27	11	27	25	V			
Bajpayee, Priyanka	28	3	28	7	V			
Bajpayee, Priyanka	28	11	28	22				
Bajpayee, Priyanka	29	10	29	16				
Bajpayee, Priyanka	29	23	29	25		30:1-16	U, O	
Bajpayee, Priyanka	31	11	31	15	C, P, R			
Bajpayee, Priyanka	31	24	32	21	C, P, R			
Bajpayee, Priyanka	33	10	33	13				
Bajpayee, Priyanka	33	17	33	19				
Bajpayee, Priyanka	33	22	34	3				
Bajpayee, Priyanka	34	7	34	19		34:20-35-10	U, O, appears to contain a typographical error	
Bajpayee, Priyanka	35	11	36	24	C, P, R			
Bajpayee, Priyanka	37	14	37	14				
Bajpayee, Priyanka	38	1	38	2				
Bajpayee, Priyanka	38	5	38	12				
Bajpayee, Priyanka	38	17	38	21				
Bajpayee, Priyanka	38	25	39	4	C, P, R			
Bajpayee, Priyanka	39	17	40	6	C, P, R			
Bajpayee, Priyanka	40	10	40	13	C, P, R			
Bajpayee, Priyanka	41	1	41	3				
Bajpayee, Priyanka	41	5	41	7				
Bajpayee, Priyanka	44	6	44	8				
Bajpayee, Priyanka	44	16	45	11	C, P, R			
Bajpayee, Priyanka	45	18	45	19	C, P, R, LF	45:11-17	U, O	
Bajpayee, Priyanka	45	22	46	4	C, P, R, LF			
Bajpayee, Priyanka	46	5	46	13	C, P, R	46:17-21, 47:2-6	U, O	
Bajpayee, Priyanka	48	19	48	22		48:23-49:5	U, O	
Bajpayee, Priyanka	50	3	50	6				
Bajpayee, Priyanka	54	11	54	13				
Bajpayee, Priyanka	54	19	55	21				
Bajpayee, Priyanka	56	7	56	10				

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Bajpayee, Priyanka	56	15	57	9				
Bajpayee, Priyanka	57	17	57	22	LF, O			
Bajpayee, Priyanka	57	25	58	10	LF, O			
Bajpayee, Priyanka	58	13	58	17	O			
Bajpayee, Priyanka	58	20	59	2	O			
Bajpayee, Priyanka	59	3	58	3				
Bajpayee, Priyanka	59	8	59	10		59:11-19	U, O	
Bajpayee, Priyanka	61	23	62	7				
Bajpayee, Priyanka	62	8	63	2		63:3-5, 63:8-13	U, O	
Bajpayee, Priyanka	65	13	66	14				
Bajpayee, Priyanka	66	16	71	9		71:10, 71:12-22, 71:25-72:7	U, O	
Bajpayee, Priyanka	72	8	72	20				
Bajpayee, Priyanka	72	22	72	25				
Bajpayee, Priyanka	73	2	73	20				
Bajpayee, Priyanka	73	24	76	12				
Bajpayee, Priyanka	76	14	78	3		78:6-7, 78:10-22	U, O	
Bajpayee, Priyanka	86	6	86	24	C, P, R			
Bajpayee, Priyanka	87	2	90	3	C, P, R			
Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Carr, Deborah	7	6	7	19				
Carr, Deborah	13	5	13	20	R, LF			
Carr, Deborah	14	12	17	20	R, F, O, S, 30(b)(6)			
Carr, Deborah	18	12	19	4				
Carr, Deborah	19	19	20	3				
Carr, Deborah	20	15	21	1	R			
Carr, Deborah	22	9	22	11	R			
Carr, Deborah	22	20	23	3	R	24:4-26:2	U, O	25:21-26:2
Carr, Deborah	27	19	28	3	R, F, O, LF			
Carr, Deborah	28	21	29	13	R, F, O, LF	28:18-20	U, O	
Carr, Deborah	30	4	30	8				
Carr, Deborah	30	17	30	22				
Carr, Deborah	31	9	31	12				
Carr, Deborah	31	19	31	22		32:16-20	U, O	
Carr, Deborah	32	21	33	6		33:7-10, 18-22, 36:23-37:13, 43:19-44:4,	U, O	
Carr, Deborah	34	7	34	10				
Carr, Deborah	34	12	35	17	R			
Carr, Deborah	40	3	40	22	NT			
Carr, Deborah	41	5	41	11	R, F, O, LF	40:24-41:4, 42:12-43:4	U, O	
Carr, Deborah	41	18	41	21	R, F, O, LF	40:24-41:4, 42:12-43:4	U, O	
Carr, Deborah	48	17	48	19	NT			
Carr, Deborah	48	21	48	24				
Carr, Deborah	49	5	49	18				
Carr, Deborah	49	25	53	18	R, O, LF	54:22-56:8	U, O, X	
Carr, Deborah	56	14	56	15	R			
Carr, Deborah	57	8	57	21	R			
Carr, Deborah	58	1	58	10				
Carr, Deborah	58	21	58	25				

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Carr, Deborah	59	5	59	25				
Carr, Deborah	60	2	60	5	NT			
Carr, Deborah	60	7	61	11				
Carr, Deborah	61	22	62	15	R			
Carr, Deborah	63	2	64	8	LF, O, F	64:9-22	U, O	
Carr, Deborah	68	15	68	24	R			
Carr, Deborah	70	1	70	19	R, LF, F	71:4-23	U, O, X	
Carr, Deborah	71	24	72	15		73:9-20	U, O	
Carr, Deborah	73	21	73	24	NT			
Carr, Deborah	74	9	74	11	O, LF	74:2-8, 17-23	U, O	
Carr, Deborah	75	12	76	25	O, LF	74:2-8, 17-23	U, O	
Carr, Deborah	77	2	77	14	O, LF	74:2-8, 17-23	U, O	
Carr, Deborah	77	16	78	19	NT			
Carr, Deborah	78	21	79	21	O, LF			
Carr, Deborah	82	5	82	14		74:2-8, 17-23	U, O	
Carr, Deborah	92	2	92	17	F, O			
Carr, Deborah	96	2	96	18	F, O			
Carr, Deborah	97	16	97	19	NT			
Carr, Deborah	97	25	98	5				
Carr, Deborah	98	15	99	17	R			
Carr, Deborah	100	4	101	16	R			
Carr, Deborah	101	18	101	22	R			
Carr, Deborah	102	2	102	5	NT			
Carr, Deborah	102	14	103	11	F, O			
Carr, Deborah	103	13	105	15	NT			
Carr, Deborah	109	21	110	21	R			
Carr, Deborah	111	1	111	9	R			
Carr, Deborah	115	18	116	4				
Carr, Deborah	117	19	119	20	R			
Carr, Deborah	120	7	121	3				
Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Holt, Jay	8	10	8	12				
Holt, Jay	8	15	8	23				
Holt, Jay	10	17	10	22				
Holt, Jay	11	6	11	9	NT			
Holt, Jay	11	18	11	20				
Holt, Jay	12	5	12	12				
Holt, Jay	12	15	12	16				
Holt, Jay	14	9	15	16				
Holt, Jay	16	8	17	6				
Holt, Jay	17	23	18	2	R, O, LF, S			
Holt, Jay	18	8	19	18	R, O, LF, S			
Holt, Jay	19	23	20	4				
Holt, Jay	21	5	22	4	R, 30(b)(6), O			
Holt, Jay	22	10	22	15	R			
Holt, Jay	22	21	23	3				
Holt, Jay	23	11	24	21				
Holt, Jay	26	17	28	7		28:9-29:12	U, O	

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Holt, Jay	29	13	30	23				
Holt, Jay	31	8	31	18				
Holt, Jay	33	16	33	19				
Holt, Jay	34	13	34	19				
Holt, Jay	35	10	35	18				
Holt, Jay	35	25	36	6				
Holt, Jay	36	25	40	3				
Holt, Jay	40	14	40	25				
Holt, Jay	41	7	41	9				
Holt, Jay	41	15	41	21				
Holt, Jay	42	1	42	3				
Holt, Jay	43	3	43	7				
Holt, Jay	43	13	43	21	R, S			
Holt, Jay	44	2	44	19				
Holt, Jay	44	25	45	7				
Holt, Jay	45	11	45	18				
Holt, Jay	45	24	50	11	F, O			
Holt, Jay	50	23	52	8	F, O	50:12-16	U, O	
Holt, Jay	53	10	53	22				
Holt, Jay	55	18	61	3	F, O	61:4-11	U, O	
Holt, Jay	61	12	61	15	F			
Holt, Jay	61	19	62	8		61:16-18, 62:19-21	U, O	
Holt, Jay	62	14	63	18	F, O, S, LF	61:16-18	U, O	
Holt, Jay	64	5	65	20	F, O, LF, S	61:16-18	U, O	
Holt, Jay	65	24	66	21	F			
Holt, Jay	67	21	67	7	F, In			
Holt, Jay	67	19	68	21	F, S			
Holt, Jay	69	12	69	24	S	69:8-11, 69:25-70:3, 70:12-71:2	U, O	
Holt, Jay	70	4	70	11	R	69:8-11, 69:25-70:3, 70:12-71:2	U, O	
Holt, Jay	70	17	70	23	LF	69:8-11, 69:25-70:3, 70:12-71:2	U, O	
Holt, Jay	71	3	71	17	R	71:18-20	U, O	
Holt, Jay	71	21	72	20	S, LF	71:18-20	U, O	
Holt, Jay	73	6	75	8	F, S, LF, LC, O	71:18-20	U, O	
Holt, Jay	75	16	76	19	F, O, LC			
Holt, Jay	76	21	77	19	F, O, LC			
Holt, Jay	77	23	82	6	S, LF, f	77:20-22	U, O	
Holt, Jay	82	18	83	10	M, S	77:20-22	U, O	
Holt, Jay	83	25	84	8				
Holt, Jay	84	22	86	15	O, LF			
Holt, Jay	87	1	87	8	S, O, LF	87:9-18	U, O	
Holt, Jay	87	19	88	13	S, O, LF	87:9-18	U, O	
Holt, Jay	88	24	89	20	R, S, LF			
Holt, Jay	90	1	90	3	R, S	90:4-7	U, O	
Holt, Jay	90	8	90	23	R, S	90:4-7	U, O	
Holt, Jay	92	11	92	18				
Holt, Jay	92	23	93	1				

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Holt, Jay	93	12	94	1	R			
Holt, Jay	94	12	95	21	R			
Holt, Jay	96	5	98	16	R			
Holt, Jay	99	14	102	10		103:4-104:2	U, O	
Holt, Jay	102	17	102	19		103:4-104:2	U, O	
Holt, Jay	104	3	106	10	R	107:4-13	U, O	
Holt, Jay	108	5	110	22	R, F			
Holt, Jay	110	25	111	23	F, LF, R			
Holt, Jay	112	6	112	25	F, R	113:1-13	U, O	
Holt, Jay	113	14	114	1	R			
Holt, Jay	114	15	114	18	NT			
Holt, Jay	114	20	115	4	R	115:5-8	U, O	
Holt, Jay	115	9	115	24				
Holt, Jay	116	6	116	21	R	115:5-8	U, O	
Holt, Jay	117	1	117	22				
Holt, Jay	118	1	118	13				
Holt, Jay	118	19	119	2		119:3-8	U, O	
Holt, Jay	119	9	120	16	MD, F	119:3-8	U, O	
Holt, Jay	120	24	121	5	R			
Holt, Jay	121	7	121	9	NT			
Holt, Jay	122	7	123	24		123:25-124:2	U, O	
Holt, Jay	124	2	125	5	NT			
Holt, Jay	125	7	126	20	R, F MD			
Holt, Jay	126	25	127	8	R, F, MD	127:9-22	U, O, X	
Holt, Jay	127	24	128	10	R, F, MD	127:9-22	U, O, X	
Holt, Jay	128	12	129	9		129:10-15	U, O	
Holt, Jay	130	12	130	16	NT			
Holt, Jay	130	20	132	1	R			
Holt, Jay	132	21	132	22	MD, R			
Holt, Jay	132	24	133	6	R			
Holt, Jay	133	21	134	17	R, S			
Holt, Jay	134	22	136	2	R			
Holt, Jay	136	4	137	13	R	137:14-20	U, O	
Holt, Jay	139	1	140	19	R			
Holt, Jay	140	21	140	24				
Holt, Jay	141	4	141	14	R	141:15-18	U, O	
Holt, Jay	141	22	141	24	NT, R, F			
Holt, Jay	143	1	143	2	In			
Holt, Jay	143	4	143	7	F, MD, R			
Holt, Jay	143	10	143	23	F, MD, R			
Holt, Jay	144	2	145	17	R, MD			
Holt, Jay	146	2	146	6	R	146:7-15	U, O	
Holt, Jay	146	16	147	13	R, HS, S	146:14-19	U, O	
Holt, Jay	148	14	148	17				
Holt, Jay	148	19	149	16	NT			
Holt, Jay	150	2	151	4				
Holt, Jay	151	9	154	13	R, MD			
Holt, Jay	154	17	155	14	R	155:15-21	U, O	
Holt, Jay	155	22	156	3	R			

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## TEVA'S DEPOSITION DESIGNATIONS

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## TEVA'S DEPOSITION DESIGNATIONS

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Rote, Kiran	35	24	37	9				
Rote, Kiran	37	11	39	7	AT (seems like typo, end should be 38:7)			
Rote, Kiran	38	18	38	25				
Rote, Kiran	39	3	39	12	F			
Rote, Kiran	39	19	40	10				
Rote, Kiran	40	13	41	14				
Rote, Kiran	40	17	40	17				
Rote, Kiran	42	1	42	19				
Rote, Kiran	42	21	43	12	MD			
Rote, Kiran	43	16	43	24	MD			
Rote, Kiran	44	2	44	17	MD			
Rote, Kiran	45	4	45	12	AT, MD			
Rote, Kiran	45	17	45	21				
Rote, Kiran	45	24	46	9				
Rote, Kiran	46	24	45	25	IC			
Rote, Kiran	47	1	47	1				
Rote, Kiran	47	5	47	12				
Rote, Kiran	47	21	48	12				
Rote, Kiran	48	15	48	18				
Rote, Kiran	49	2	49	3				
Rote, Kiran	49	6	49	10				
Rote, Kiran	49	12	49	12				
Rote, Kiran	49	17	49	20	IC, NE, NT			
Rote, Kiran	52	5	52	25	NE			
Rote, Kiran	53	3	53	11				
Rote, Kiran	53	19	54	22	S			
Rote, Kiran	54	35	55	1	S, IC (should be 54:25)			
Rote, Kiran	55	4	55	6	S			
Rote, Kiran	55	9	55	13				
Rote, Kiran	55	17	55	17		55:18-21	U, O	
Rote, Kiran	56	7	57	22				
Rote, Kiran	58	1	59	12	S, O, 30(b)(6)			
Rote, Kiran	59	17	60	5	S, O, 30(b)(6)			
Rote, Kiran	60	11	60	11	S, O, 30(b)(6)			
Rote, Kiran	60	14	60	16				
Rote, Kiran	60	18	63	17				
Rote, Kiran	63	21	63	23				
Rote, Kiran	64	2	65	11				
Rote, Kiran	65	24	67	5				
Rote, Kiran	67	12	67	22				
Rote, Kiran	68	20	70	13				
Rote, Kiran	71	5	72	11				
Rote, Kiran	73	1	73	3				
Rote, Kiran	73	6	73	10				
Rote, Kiran	74	3	74	19	IC, In			
Rote, Kiran	74	22	75	6	IC, In			
Rote, Kiran	75	9	75	11				
Rote, Kiran	76	9	76	13				

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Rote, Kiran	76	16	77	10				
Rote, Kiran	80	17	80	25				
Rote, Kiran	82	15	82	20	30(b)(6)			
Rote, Kiran	82	25	83	5	30(b)(6)			
Rote, Kiran	83	9	83	20	30(b)(6)			
Rote, Kiran	84	1	84	6	IC, 30(b)(6)			
Rote, Kiran	84	10	84	17	30(b)(6)			
Rote, Kiran	84	21	84	25	30(b)(6)			
Rote, Kiran	85	4	85	4	30(b)(6)			
Rote, Kiran	86	22	86	25				
Rote, Kiran	87	4	87	15				
Rote, Kiran	89	7	89	16				
Rote, Kiran	89	17	89	20				
Rote, Kiran	89	23	90	3				
Rote, Kiran	90	10	90	15				
Rote, Kiran	91	10	92	5				
	92	24	92	25				
Rote, Kiran	93	1	93	1				
Rote, Kiran	93	3	94	9				
Rote, Kiran	95	10	95	12				
Rote, Kiran	95	14	96	2				
Rote, Kiran	96	16	97	2	30(b)(6)			
Rote, Kiran	97	7	97	11	30(b)(6)			
Rote, Kiran	100	11	100	13				
Rote, Kiran	100	17	101	12				
Rote, Kiran	101	25	102	2				
Rote, Kiran	102	7	102	11				
Rote, Kiran	103	1	103	24				
Rote, Kiran	104	7	104	12				
Rote, Kiran	105	6	106	17				
Rote, Kiran	106	22	107	2				
Rote, Kiran	107	24	108	1				
Rote, Kiran	108	17	109	7	30(b)(6)			
Rote, Kiran	109	11	109	13	30(b)(6)			
Rote, Kiran	109	17	109	18	30(b)(6)			
Rote, Kiran	110	18	110	20				
Rote, Kiran	110	23	111	1				
Rote, Kiran	116	4	116	12				
Rote, Kiran	117	16	117	18				
Rote, Kiran	117	21	118	12				
Rote, Kiran	119	8	119	10				
Rote, Kiran	119	19	120	5				
Rote, Kiran	120	6	120	8				
Rote, Kiran	120	21	120	24	30(b)(6)			
Rote, Kiran	121	3	121	18	30(b)(6)			
Rote, Kiran	121	21	121	24				
Rote, Kiran	122	3	122	21				
Rote, Kiran	123	3	123	15	H			
Rote, Kiran	124	10	125	11				

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Rote, Kiran	126	3	126	10				
Rote, Kiran	126	13	127	24				
Rote, Kiran	128	8	128	10				
Rote, Kiran	128	12	128	20				
Rote, Kiran	129	3	129	8				
Rote, Kiran	131	8	131	15	IC			
Rote, Kiran	131	17	132	12				
Rote, Kiran	133	3	133	6	30(b)(6)			
Rote, Kiran	133	10	133	23	30(b)(6)			
Rote, Kiran	134	1	134	1	NT, AT			
Rote, Kiran	134	3	134	8	30(b)(6)			
Rote, Kiran	134	13	134	18	30(b)(6)			
Rote, Kiran	134	21	134	23				
Rote, Kiran	135	5	135	12				
Rote, Kiran	135	21	136	13				
Rote, Kiran	137	1	137	24				
Rote, Kiran	138	6	138	10				
Rote, Kiran	138	19	139	5	M			
Rote, Kiran	139	8	139	9	M			
Rote, Kiran	139	10	139	12				
Rote, Kiran	139	16	139	22				
Rote, Kiran	140	6	142	11	H			
Rote, Kiran	142	18	143	1		143:2-7	U, O	
Rote, Kiran	145	7	145	11				
Rote, Kiran	145	15	145	17		145:12-14	U, O	
Rote, Kiran	145	20	145	22				
Rote, Kiran	145	24	148	20	H			
Rote, Kiran	149	3	149	8	H			
Rote, Kiran	149	16	149	23				
Rote, Kiran	150	7	151	6				
Rote, Kiran	151	20	151	25				
Rote, Kiran	153	7	153	9				
Rote, Kiran	153	12	152	14	30(b)(6)			
Rote, Kiran	153	18	153	20	30(b)(6)			
Rote, Kiran	153	24	154	3	30(b)(6)			
Rote, Kiran	154	11	154	14	30(b)(6), IC			
Rote, Kiran	154	19	154	20	30(b)(6)			
Rote, Kiran	154	24	154	25	30(b)(6)			
Rote, Kiran	156	3	156	5	30(b)(6)			
Rote, Kiran	156	9	156	10	30(b)(6)			
Rote, Kiran	156	24	157	5				
Rote, Kiran	159	8	159	13	30(b)(6)			
Rote, Kiran	159	17	159	17	30(b)(6)			
Rote, Kiran	160	19	160	20	30(b)(6)			
Rote, Kiran	160	24	161	3	30(b)(6)			
Rote, Kiran	161	19	161	21				
Rote, Kiran	161	23	162	14	30(b)(6)			
Rote, Kiran	162	18	162	24	30(b)(6)			
Rote, Kiran	163	3	163	15	30(b)(6)			

**TEVA'S DEPOSITION DESIGNATIONS**

Deponent	Start Page	Start Line	End Page	End Line	Objection(s)	Counter-Designation(s)	Counter-Designation Objection(s)	Counter-Counter Designation(s)
Rote, Kiran	165	18	165	20				
Rote, Kiran	166	13	166	22	30(b)(6)			
Rote, Kiran	167	1	167	15	30(b)(6)			
Rote, Kiran	167	19	168	1	30(b)(6)			
Rote, Kiran	168	5	168	14	30(b)(6)			
Rote, Kiran	169	1	169	3				
Rote, Kiran	169	5	169	9	R, 30(b)(6)			
Rote, Kiran	169	13	169	17	R, 30(b)(6)			
Rote, Kiran	172	21	173	5				
Rote, Kiran	173	6	173	8				
Rote, Kiran	174	1	174	14				
Rote, Kiran	177	18	178	5				
Rote, Kiran	178	8	178	8				

# **Exhibit D**

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' <sup>1,2</sup> Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
[REDACTED]					
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]	
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]		

<sup>1</sup> Teva's objections refer to the following grounds: **E**: Improper Expert Testimony (Fed. R. Evid. 104, 702, 703); **F**: Lack of Foundation or Personal Knowledge (Fed. R. Evid. 602); **H**: Hearsay (Fed. R. Evid. 801, 802, 805); **I**: Incomplete Document or Testimony (Fed. R. Evid. 106, 403); **O**: Predicate Fact Required for Admissibility (Fed. R. Evid. 104); **R**: Lack of Relevance (Fed. R. Evid. 402); **U**: Unduly Prejudicial, Confusing, Wasteful, Cumulative (Including for Form of Questions, Asked and Answered, Vague and Ambiguous, Calls for a Legal Conclusion) (Fed. R. Evid. 403); **X**: Designation of Attorney Colloquy (Fed. R. Evid. 402, 403); **Y**: Beyond the Scope of a Witness's Testimony Under Fed. R. Civ. P. 30(b)(6) (Fed. R. Civ. P. 30(b)(6), Fed. R. Evid. 403).

Teva reserves the right to amend and/or supplement its objections and counter-designations to these designations including to add objections and/or counter-designations after the deadline to exchange has passed. Teva reserves the right to amend and/or supplement its objections and counter-designations on any basis that depends upon how testimony is introduced, for what purpose testimony is introduced, and what portion of testimony is introduced. Teva reserves the right to amend and/or supplement its objections and counter-designations based on the testimony that Defendants play at trial. Teva reserves the right to object to the use of any testimony not adequately identified in Defendants' disclosures or for a purpose not adequately identified in those disclosures. Teva reserves the right to introduce any testimony designated by Defendants.

<sup>2</sup> Defendants object to Plaintiffs' reservation of rights in footnote 1 and object to any attempt by Plaintiffs to amend these designations, counter-designations, or objections at trial. Defendants further object to Plaintiffs' reservation to introduce "any testimony designated by Defendants." The parties agreed to a procedure for designating deposition testimony, and to the extent Plaintiffs did not designate testimony as part of that process, Plaintiffs should not be able to introduce it at trial. Further, Plaintiffs have indiscriminately objected to nearly all of Defendants' deposition designations on relevance grounds. Defendants disagree with these indiscriminate objections, but to the extent any of Plaintiffs' relevance objections are sustained, Plaintiffs' counter-designations also lack relevance and should not be included in the deposition testimony submitted to the Court.

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' <sup>1,2</sup> Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' <sup>1,2</sup> Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' <sup>1,2</sup> Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections <sup>1,2</sup>	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' <sup>1,2</sup> Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
<b>Declan Walsh (03/11/2022)</b>					
12:21-13:2	I, R, U				
13:6-19	I, R, U				
14:20-15:1	I, R, U				
15:6-16	I, R, U				
15:21-16:2	I, R, U				
16:10-20	I, R, U	16:3-5			
17:2-22	I, R, U				
18:4-16	I, R, U				
18:19-20:2	I, R, U				
20:5-21:3	I, R, U				
21:8-20	I, R, U				
24:7-9	R, U, Y	24:4-6			
26:7-10	I, R, U, Y	26:11-27:13	IC		
27:19-28:18	I, R, U, Y	29:7-30:19	IC		
29:3-6	I, R, U, Y	29:7-30:19	IC		
31:1-9	E, F, I, R, U, Y	29:7-30:19 31:10-13	29:7-30:19 – IC 31:10-13 - IC		
31:14-19	E, F, I, R, U, Y	29:7-30:19 31:10-13	29:7-30:19 – IC 31:10-13 - IC		
32:5-19	E, F, I, R, U, Y	29:7-30:19 32:20-34:11 34:19-21 35:1-17	29:7-30:19 – IC 32:20-34:11 – IC 34:19-21 – IC 35:1-17 - IC		
36:2-22	I, R, U	37:1-2		36:21-22	

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		38:14-17 38:21-39:12 39:21-40:9 40:12-42:18 42:20-43:1 43:22-44:2 44:4-12	38:14-17 – IC 38:21-39:12 – IC 39:21-40:9 – IC 40:12-42:18 – IC 42:20-43:1 – IC 43:22-44:2 – IC 44:4-12 - IC		
43:6-21	E, F, I, R, U	37:1-2 38:14-17 38:21-39:12 39:21-40:9 40:12-42:18 42:20-43:1 43:22-44:2 44:4-12	37:1-2 – IC 38:14-17 – IC 38:21-39:12 – IC 39:21-40:9 – IC 40:12-42:18 – IC 42:20-43:1 – IC 43:22-44:2 – IC 44:4-12 - IC		
45:1-13	E, F, I, R, U	37:1-2 38:14-17 38:21-39:12 39:21-40:9 40:12-42:18 42:20-43:1 43:22-44:2 44:4-12	37:1-2 - IC 38:14-17 – IC 38:21-39:12 – IC 39:21-40:9 – IC 40:12-42:18 – IC 42:20-43:1 – IC 43:22-44:2 – IC 44:4-12 - IC		
51:9-17	F, I, R, U	51:18-21	51:18-21 – IC, R		
52:1-14	F, I, R, U				
52:18-21	F, I, R, U				

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
53:20-54:7	F, I, R, U				
54:16-18	F, H, I, R, U				
54:20-55:22	F, H, I, R, U				
56:4-8	F, H, I, R, U, X				
56:13-57:3	F, H, I, R, U, X				
57:12-13	F, H, I, R, U				
58:9-59:14	E, F, H, I, R, U				
61:8-63:15	F, I, R, U				
63:19-64:14	F, I, R, U				
65:15-18	F, I, R, U				
65:21-66:2	F, I, R, U				
67:22-68:9	F, I, R, U	66:3-67:3			
69:1-11	F, I, R, U				
69:17-19	F, I, R, U				
70:2-71:16	F, I, R, U				
71:19-72:9	F, I, R, U				
72:11-14	F, I, R, U	72:15-21			
72:22-73:2	F, I, R, U				
73:5-74:11	F, I, R, U				
74:16-76:1	F, I, R, U				
80:14-16	F, I, R, U				
80:19-81:9	F, I, R, U, Y				
81:13-18	F, I, R, U, Y				
83:9-10	F, I, R, U, Y				
83:12-13	F, I, R, U, Y				

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
84:5-8	F, H, I, R, U, Y				
83:19-86:9	F, H, I, R, U, Y				
86:15-22	F, H, I, R, U, Y				
87:6-21	E, F, H, I, R, U, Y				
88:4-20	E, F, H, I, R, U, Y				
89:4-8	E, F, H, I, R, U, Y				
89:11-14	E, F, H, I, R, U, Y				
93:5-7	E, F, H, I, R, U, Y				
93:14-19	E, F, H, I, R, U, Y				
94:7-95:10	E, F, H, I, R, U, Y				
105:10-15	E, F, H, I, R, U	96:1-10 96:12-18 96:21-97:5 97:8-100:14 100:17-101:5 103:6-11 103:14-104:2 104:5-105:5 109:10-13 109:15-18	96:1-10 – IC 96:12-18 – IC 96:21-97:5 – IC 97:8-100:14 – IC 100:17-101:5 – IC 103:6-11 – IC 103:14-104:2 – IC 104:5-105:5 – IC 109:10-13 – IC 109:15-18 - IC		
105:19-106:9	E, F, H, I, R, U	96:1-10 96:12-18 96:21-97:5 97:8-100:14 100:17-101:5 103:6-11	96:1-10 – IC 96:12-18 – IC 96:21-97:5 – IC 97:8-100:14 – IC 100:17-101:5 – IC 103:6-11 – IC		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		103:14-104:2 104:5-105:5 109:10-13 109:15-18	103:14-104:2 – IC 104:5-105:5 – IC 109:10-13 – IC 109:15-18 - IC		
106:11-17	E, F, H, I, R, U	96:1-10 96:12-18 96:21-97:5 97:8-100:14 100:17-101:5 103:6-11 103:14-104:2 104:5-105:5 109:10-13 109:15-18	96:1-10 – IC 96:12-18 – IC 96:21-97:5 – IC 97:8-100:14 – IC 100:17-101:5 – IC 103:6-11 – IC 103:14-104:2 – IC 104:5-105:5 – IC 109:10-13 – IC 109:15-18 - IC		
106:20-107:1	E, F, H, I, R, U	96:1-10 96:12-18 96:21-97:5 97:8-100:14 100:17-101:5 103:6-11 103:14-104:2 104:5-105:5 109:10-13 109:15-18	96:1-10 – IC 96:12-18 – IC 96:21-97:5 – IC 97:8-100:14 – IC 100:17-101:5 – IC 103:6-11 – IC 103:14-104:2 – IC 104:5-105:5 – IC 109:10-13 – IC 109:15-18 - IC		
107:4-5	E, F, H, I, R, U	96:1-10 96:12-18	96:1-10 – IC 96:12-18 – IC		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		96:21-97:5 97:8-100:14 100:17-101:5 103:6-11 103:14-104:2 104:5-105:5 109:10-13 109:15-18	96:21-97:5 - IC 97:8-100:14 - IC 100:17-101:5 - IC 103:6-11 - IC 103:14-104:2 - IC 104:5-105:5 - IC 109:10-13 - IC 109:15-18 - IC		
116:8-19	F, I, R, U	117:1-3 117:6-22			
118:1-4	F, I, R, U	117:1-3 117:6-22	117:1-3 - IC 117:6-22 - IC		
118:7-20	F, I, R, U	117:1-3 117:6-22	117:1-3 - IC 117:6-22 - IC		
119:2-5	I, R, U	121:9-122:4 123:17-18 123:20-124:6 124:8-22 125:3-5	121:9-122:4 - IC 123:17-18 - IC 123:20-124:6 - IC 124:8-22 - IC 125:3-5 - IC		
119:14-18	F, H, I, R, U	121:9-122:4 123:17-18 123:20-124:6 124:8-22 125:3-5	121:9-122:4 - IC 123:17-18 - IC 123:20-124:6 - IC 124:8-22 - IC 125:3-5 - IC		
120:6-9	F, H, I, R, U	121:9-122:4 123:17-18	121:9-122:4 - IC 123:17-18 - IC		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		123:20-124:6 124:8-22 125:3-5	123:20-124:6 - IC 124:8-22 - IC 125:3-5 - IC		
120:11-22	F, H, I, R, U	121:9-122:4 123:17-18 123:20-124:6 124:8-22 125:3-5	121:9-122:4 - IC 123:17-18 - IC 123:20-124:6 - IC 124:8-22 - IC 125:3-5 - IC		
122:5-6 122:9-21	F, I, R, U	121:9-122:4 123:17-18 123:20-124:6 124:8-22 125:3-5	121:9-122:4 - IC 123:17-18 - IC 123:20-124:6 - IC 124:8-22 - IC 125:3-5 - IC		
123:1-7	F, I, R, U	121:9-122:4 123:17-18 123:20-124:6 124:8-22 125:3-5	121:9-122:4 - IC 123:17-18 - IC 123:20-124:6 - IC 124:8-22 - IC 125:3-5 - IC		
123:10-16	F, I, R, U	121:9-122:4 123:17-18 123:20-124:6 124:8-22 125:3-5	121:9-122:4 - IC 123:17-18 - IC 123:20-124:6 - IC 124:8-22 - IC 125:3-5 - IC		
126:15-17	F, H, I, R, U	128:3-4 128:6-7 129:15-22	128:3-4 - IC 128:6-7 - IC 129:15-22 - IC	128:8-9 128:11-129:4 129:7-14	

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		132:12-133:5	132:12-133:5 - IC		
126:20-127:7	F, H, I, R, U	128:3-4 128:6-7 129:15-22 132:12-133:5	128:3-4 - IC 128:6-7 - IC 129:15-22 - IC 132:12-133:5 - IC	128:8-9 128:11-129:4 129:7-14	
127:9-11	F, I, R, U	128:3-4 128:6-7 129:15-22 132:12-133:5	128:3-4 - IC 128:6-7 - IC 129:15-22 - IC 132:12-133:5 - IC	128:8-9 128:11-129:4 129:7-14	
127:19-128:2	F, I, R, U	128:3-4 128:6-7 129:15-22 132:12-133:5	128:3-4 - IC 128:6-7 - IC 129:15-22 - IC 132:12-133:5 - IC	128:8-9 128:11-129:4 129:7-14	
132:2-5	F, I, R, U	128:3-4 128:6-7 129:15-22 132:12-133:5	128:3-4 - IC 128:6-7 - IC 129:15-22 - IC 132:12-133:5 - IC	128:8-9 128:11-129:4 129:7-14	
132:8-10	F, I, R, U	128:3-4 128:6-7 129:15-22 132:12-133:5	128:3-4 - IC 128:6-7 - IC 129:15-22 - IC 132:12-133:5 - IC	128:8-9 128:11-129:4 129:7-14	
133:6-10	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10	132:12-133:5 - IC, R, P 134:7-8 - IC 134:13-14 - IC 143:1-5 - IC 143:10-144:10 - IC		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		145:14-15	145:14-15 – IC, In		
133:14-16	I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
133:18-134:6	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
134:18-21	I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
135:1-5	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
135:15-20	F, H, I, R, U	132:12-133:5	132:12-133:5 – IC, R, P		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
136:1-15	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
137:13-139:6	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
139:9-140:17	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
141:8-142:5	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		143:1-5 143:10-144:10 145:14-15	143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
142:12-14	E, F, H, I, R, U, Y	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
144:16-145:3	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
145:12-16	F, H, I, R, U	132:12-133:5 134:7-8 134:13-14 143:1-5 143:10-144:10 145:14-15	132:12-133:5 – IC, R, P 134:7-8 – IC 134:13-14 – IC 143:1-5 – IC 143:10-144:10 – IC 145:14-15 – IC, In		
163:1-6	I, R, U	167:7-22 173:8-20 174:1-175:20 176:7-11 176:14-177:1	167:7-22 - IC 173:8-20 - IC 174:1-175:20 - IC 176:7-11 - IC 176:14-177:1 - IC		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
165:4-10	F, H, I, R, U	167:7-22 173:8-20 174:1-175:20 176:7-11 176:14-177:1	167:7-22 – IC, R 173:8-20 – IC, R 174:1-175:20 – IC, R 176:7-11 – IC, R 176:14-177:1 – IC, R		
165:13-21	F, H, I, R, U	167:7-22 173:8-20 174:1-175:20 176:7-11 176:14-177:1	167:7-22 – IC, R 173:8-20 – IC, R 174:1-175:20 – IC, R 176:7-11 – IC, R 176:14-177:1 – IC, R		
166:10-13	F, H, I, R, U	167:7-22 173:8-20 174:1-175:20 176:7-11 176:14-177:1	167:7-22 – IC, R 173:8-20 – IC, R 174:1-175:20 – IC, R 176:7-11 – IC, R 176:14-177:1 – IC, R		
166:20-21	F, I, R, U	167:7-22 173:8-20 174:1-175:20 176:7-11 176:14-177:1	167:7-22 – IC, R 173:8-20 – IC, R 174:1-175:20 – IC, R 176:7-11 – IC, R 176:14-177:1 – IC, R		
167:1-6	F, I, R, U	167:7-22 173:8-20 174:1-175:20 176:7-11 176:14-177:1	167:7-22 – IC, R 173:8-20 – IC, R 174:1-175:20 – IC, R 176:7-11 – IC, R 176:14-177:1 – IC, R		
180:4-10	I, R, U	185:17-22	185:17-22 – IC, R		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
181:3-7	F, H, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
181:16-19	F, H, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
181:21-182:17	F, H, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
182:21-183:6	F, I, R, U	185:17-22 186:3-14 186:18-187:18	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		189:2-7 189:9-16 189:19-191:3	189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
183:14-20	F, H, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
184:3-4	F, H, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
184:7-185:3	F, H, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
187:19-188:5	F, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		189:19-191:3	189:19-191:3 – IC, R		
188:8-12	F, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
191:4-17	E, F, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
191:19-192:6	E, F, I, R, U	185:17-22 186:3-14 186:18-187:18 189:2-7 189:9-16 189:19-191:3	185:17-22 – IC, R 186:3-14 – IC, R 186:18-187:18 – IC, R 189:2-7 – IC, R 189:9-16 – IC, R 189:19-191:3 – IC, R		
193:5-13	E, F, I, R, U, Y				
194:1-16	E, F, I, R, U, Y				
194:21-22	E, F, I, R, U, Y				
195:2-9	E, F, I, R, U, Y				
195:13-196:6	E, F, I, R, U, Y				
196:9-11	E, F, I, R, U, Y				

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters	
<b>Jeffrey Karg (02/23/2022)</b>						
7:5-8	I, R, U					
44:11-46:12	F, H, I, R, U	42:20-43:4 44:5-10 51:10-52:8 53:19-54:1 54:3-9 66:7-12 70:3-7 91:12-93:6 97:7-21 98:6-21 99:20-100:22	51:10-52:8 – IC 53:19-54:1 – IC 54:3-9 – IC 66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC 98:6-21 – IC 99:20-100:22 - IC	90:8-91:11		
51:10-52:8	F, I, R, U	52:12-20 53:19-54:1 54:3-9 66:7-12 70:3-7 91:12-93:6 97:7-21 98:6-21 99:20-100:22	51:10-52:8 – IC 53:19-54:1 – IC 54:3-9 – IC 66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC 98:6-21 – IC 99:20-100:22 - IC	90:8-91:11		
65:1-11	E, F, H, I, R, U	51:10-52:8 52:12-20 53:19-54:1 54:3-9	51:10-52:8 – IC 52:12-20 – IC, R, P 53:19-54:1 – IC 54:3-9 – IC			

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		66:7-12 70:3-7 91:12-93:6 97:7-21 98:6-21 99:20-100:22	66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC 98:6-21 – IC 99:20-100:22 – IC	90:8-91:11	
68:9-18	F, I, R, U	51:10-52:8 52:12-20 53:19-54:1 54:3-9 66:7-12 70:3-7 91:12-93:6 97:7-21 98:6-21 99:20-100:22	51:10-52:8 – IC 52:12-20 – IC, R, P 53:19-54:1 – IC 54:3-9 – IC 66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC 98:6-21 – IC 99:20-100:22 – IC	90:8-91:11	
69:20-70:2	F, I, R, U	51:10-52:8 52:12-20 53:19-54:1 54:3-9 66:7-12 70:3-7 91:12-93:6 97:7-21	51:10-52:8 – IC 52:12-20 – IC, R, P 53:19-54:1 – IC 54:3-9 – IC 66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC	90:8-91:11	

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		98:6-21 99:20-100:22	98:6-21 – IC 99:20-100:22 - IC		
93:7-94:11	E, F, H, I, R, U	51:10-52:8 52:12-20 53:19-54:1 54:3-9 66:7-12 70:3-7 91:12-93:6 97:7-21 98:6-21 99:20-100:22	51:10-52:8 – IC 52:12-20 – IC, R, P 53:19-54:1 – IC 54:3-9 – IC 66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC 98:6-21 – IC 99:20-100:22 - IC	90:8-91:11	
94:14-95:1	E, F, H, I, R, U	51:10-52:8 52:12-20 53:19-54:1 54:3-9 66:7-12 70:3-7 91:12-93:6 97:7-21 98:6-21 99:20-100:22	51:10-52:8 – IC 52:12-20 – IC, R, P 53:19-54:1 – IC 54:3-9 – IC 66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC 98:6-21 – IC 99:20-100:22 - IC	90:8-91:11	
95:4-95:21	E, F, H, I, R, U	51:10-52:8 52:12-20 53:19-54:1 54:3-9	51:10-52:8 – IC 52:12-20 – IC, R, P 53:19-54:1 – IC 54:3-9 – IC		

Defendants' Deposition Designations

Defendants' Deposition Designations	Plaintiffs' Objections	Plaintiffs' Counter Deposition Designations	Defendants' Objections to Plaintiffs' Counter Deposition Designations	Defendants' Counter-Counter Deposition Designations	Plaintiffs' Objections to Defendants' Counter-Counters
		66:7-12 70:3-7 91:12-93:6 97:7-21 98:6-21 99:20-100:22	66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC 98:6-21 – IC 99:20-100:22 – IC	90:8-91:11	
96:2-96:11	E, F, H, I, R, U	51:10-52:8 52:12-20 53:19-54:1 54:3-9 66:7-12 70:3-7 91:12-93:6 97:7-21 98:6-21 99:20-100:22	51:10-52:8 – IC 52:12-20 – IC, R, P 53:19-54:1 – IC 54:3-9 – IC 66:7-12 – IC, R, P 70:3-7 – IC 91:12-93:6 – IC, In 97:7-21 – IC 98:6-21 – IC 99:20-100:22 – IC	90:8-91:11	

# **Exhibit E**

**TEVA'S EXHIBIT LIST**

**ATTORNEYS' EYES ONLY**

JTX No.	PTX No.	DTX No.	Beg Bates	End Bates	Date	Description	Plaintiffs' Objections	Defendants' Objections
JTX-001	PTX-001	DTX-145	TEVAQVAR-00031122	TEVAQVAR-00031154	2018.10.02			
JTX-002	PTX-002	DTX-146	TEVAQVAR-00031155	TEVAQVAR-00031186	2020.02.18			
JTX-003	PTX-003	DTX-143	TEVAQVAR-00031219	TEVAQVAR-00031249	2016.10.11			
JTX-004	PTX-004	DTX-142	TEVAQVAR-00031250	TEVAQVAR-00031282	2017.11.07			
JTX-005	PTX-005	DTX-112	TEVAQVAR-00022932	TEVAQVAR-00024953	2015.04.29			
JTX-006	PTX-006	DTX-113	TEVAQVAR-00024954	TEVAQVAR-00027244	2016.09.12			
JTX-007	PTX-007	DTX-108	TEVAQVAR-00027435	TEVAQVAR-00028752	2013.12.11			
JTX-008	PTX-008	DTX-109	TEVAQVAR-00028753	TEVAQVAR-00030980	2016.09.19			
JTX-009	PTX-009		TEVAQVAR-00030981	TEVAQVAR-00030985	2015.07.08			
JTX-010	PTX-010		TEVAQVAR-00030986	TEVAQVAR-00030992	2015.07.08			
JTX-011	PTX-011		TEVAQVAR-00030993	TEVAQVAR-00030997	2015.07.08			
JTX-012	PTX-012		TEVAQVAR-00030998	TEVAQVAR-00031002	2015.07.08			
JTX-013	PTX-013		TEVAQVAR-00031003	TEVAQVAR-00031008	2016.03.31			
JTX-014	PTX-014		TEVAQVAR-00031009	TEVAQVAR-00031022	2016.05.05			
JTX-015	PTX-015		TEVAQVAR-00031023	TEVAQVAR-00031028	2016.05.05			
JTX-016	PTX-016		TEVAQVAR-00031029	TEVAQVAR-00031035	2016.10.21			
JTX-017	PTX-017		TEVAQVAR-00031036	TEVAQVAR-00031050	2016.10.21			
JTX-018	PTX-018		TEVAQVAR-00031051	TEVAQVAR-00031056	2016.10.21			
	PTX-019		TEVAQVAR-00031341	TEVAQVAR-00031342	2008.08.13			
	PTX-020		TEVAQVAR-00031347	TEVAQVAR-00031348	2008.08.13			
	PTX-021		TEVAQVAR-00031343	TEVAQVAR-00031346	2008.07.04			
	PTX-022		TEVAQVAR-00031349	TEVAQVAR-00031352	2008.07.04			
	PTX-023		N/A	N/A	2021.04.09			
	PTX-024		N/A	N/A	2021.04.07			
	PTX-025		N/A	N/A	2022.04.29			
	PTX-026		N/A	N/A	2022.04.29		H	
	PTX-027		N/A	N/A	2022.04.29		H	
	PTX-028		N/A	N/A	2022.04.29			
	PTX-029		N/A	N/A	2022.04.29			
	PTX-030		N/A	N/A	2022.04.29		H	
	PTX-031		N/A	N/A	2022.04.29		H	
	PTX-032		N/A	N/A	2022.04.29			
	PTX-033		N/A	N/A	2022.04.29			

## TEVA'S EXHIBIT LIST

## ATTORNEYS' EYES ONLY

## TEVA'S EXHIBIT LIST

## ATTORNEYS' EYES ONLY

## **TEVA'S EXHIBIT LIST**

# ATTORNEYS' EYES ONLY

**TEVA'S EXHIBIT LIST**

**ATTORNEYS' EYES ONLY**

JTX No.	PTX No.	DTX No.	Beg Bates	End Bates	Date	Description	Plaintiffs' Objections	Defendants' Objections
	PTX-122		TEVADOC-00000011	TEVADOC-00000015	1995.00.00			
	PTX-123		TEVADOC-00000016	TEVADOC-00000041	2012.03.00			
	PTX-124		TEVADOC-00000042	TEVADOC-00000045	2014.05.22			
	PTX-125		TEVADOC-00000046	TEVADOC-00000050	2006.07.00			
	PTX-126		TEVADOC-00000051	TEVADOC-00000085	2021.02.25			R, P, I (no translation provided)
	PTX-127		TEVADOC-00000086	TEVADOC-00000098	N/A			R, H
	PTX-128		TEVADOC-00000099	TEVADOC-00000164	2009.01.00			
	PTX-129		TEVADOC-00000165	TEVADOC-00000230	2007.10.23			
	PTX-130		TEVADOC-00000231	TEVADOC-00000237	2008.08.05			
	PTX-131		TEVADOC-00000238	TEVADOC-00000288	2009.10.13			
	PTX-132		TEVADOC-00000289	TEVADOC-00000311	2018.07.10			
	PTX-133		TEVADOC-00000312	TEVADOC-00000317	2013.00.00			
	PTX-134		TEVADOC-00000318	TEVADOC-00000319	2014.06.02			
	PTX-135		TEVADOC-00000320	TEVADOC-00000321	2014.02.00			H
	PTX-136		TEVADOC-00000322	TEVADOC-00000378	2009.04.00			
	PTX-137		TEVADOC-00000379	TEVADOC-00000405	2008.06.00			
	PTX-138		TEVADOC-00000406	TEVADOC-00000407	2005.00.00			
	PTX-139		TEVADOC-00000408	TEVADOC-00000411	2015.00.00			
	PTX-140		TEVADOC-00000412	TEVADOC-00000420	2017.05.17			
	PTX-141		TEVADOC-00000421	TEVADOC-00000423				
	PTX-142		TEVADOC-00000424	TEVADOC-00000439	2020.09.08			
	PTX-143		TEVADOC-00000440	TEVADOC-00000444	2014.04.25			
	PTX-144		TEVADOC-00000445	TEVADOC-00000449	2009.10.09			
	PTX-145		TEVADOC-00000450	TEVADOC-00000459	2008.09.25			
	PTX-146		TEVADOC-00000460	TEVADOC-00000502	2003.09.09			
	PTX-147		TEVADOC-00000503	TEVADOC-00000530	1998.02.17			
	PTX-148		TEVADOC-00000531	TEVADOC-00000534	2013.00.00			
	PTX-149		TEVADOC-00000535	TEVADOC-00000540				H
	PTX-150		TEVADOC-00000541	TEVADOC-00000564	2008.00.00			
	PTX-151		TEVADOC-00000565	TEVADOC-00000585	2014.10.28			
	PTX-152		TEVADOC-00000586	TEVADOC-00000614	2012.04.17			
	PTX-153		TEVADOC-00000615	TEVADOC-00000689	2013.11.12			
	PTX-154		TEVADOC-00000690	TEVADOC-00000691	2008.02.21			R, C, P
	PTX-155		TEVADOC-00000692	TEVADOC-00000700	2014.02.27			R, C, P
	PTX-156		TEVADOC-00000701	TEVADOC-00000713	2017.09.28			R, C, P
	PTX-157		TEVADOC-00000714	TEVADOC-00000726	1999.11.23			
	PTX-158		TEVADOC-00000727	TEVADOC-00000736	2009.12.29			
	PTX-159		TEVADOC-00000737	TEVADOC-00000743	2012.09.18			

**TEVA'S EXHIBIT LIST**

**ATTORNEYS' EYES ONLY**

JTX No.	PTX No.	DTX No.	Beg Bates	End Bates	Date		Plaintiffs' Objections	Defendants' Objections
	PTX-160		TEVADOC-00000744	TEVADOC-00000744	1999.11.00			H
	PTX-161		TEVADOC-00000745	TEVADOC-00000748				H
	PTX-162		TEVADOC-00000749	TEVADOC-00000761	2014.04.00			
	PTX-163		TEVADOC-00000762	TEVADOC-00000773	2019			
	PTX-164		TEVADOC-00000774	TEVADOC-00000790	2004			A
	PTX-165		TEVADOC-00000791	TEVADOC-00000805	2006.01.23			
	PTX-166		TEVADOC-00000806	TEVADOC-00000806				H, A
	PTX-167		TEVADOC-00000807	TEVADOC-00000816	2004.11			
	PTX-168		TEVADOC-00000817	TEVADOC-00000821	1999			
	PTX-169		TEVADOC-00000822	TEVADOC-00000827	2000			
	PTX-170		TEVADOC-00000828	TEVADOC-00000830	2013.00.00			C, R, P
	PTX-171		TEVADOC-00000831	TEVADOC-00000833	2004.00.00			C, R, P
	PTX-172		TEVADOC-00000834	TEVADOC-00000836	1995.00.00			C, R, P
	PTX-173		TEVADOC-00000837	TEVADOC-00000838	2002.00.00			C, R, P
	PTX-174		TEVADOC-00000839	TEVADOC-00000839				
	PTX-175		TEVADOC-00000840	TEVADOC-00000840				
	PTX-176		TEVADOC-00000841	TEVADOC-00000841				
	PTX-177		TEVADOC-00000842	TEVADOC-00000842				
	PTX-178		TEVADOC-00000843	TEVADOC-00000843				
	PTX-179		TEVADOC-00000844	TEVADOC-00000844				
	PTX-180		TEVADOC-00000845	TEVADOC-00000845				
	PTX-181		TEVADOC-00000846	TEVADOC-00000846				
	PTX-182		TEVAQVAR-00006885	TEVAQVAR-00006887	2014.01.21			
	PTX-183		TEVAQVAR-00007008	TEVAQVAR-00007012	2014.01.17			
	PTX-184		TEVAQVAR-00007013	TEVAQVAR-00007013	2014.01.08			
	PTX-185		TEVAQVAR-00007034	TEVAQVAR-00007048	2014.01.20			
	PTX-186		TEVAQVAR-00007129	TEVAQVAR-00007140	2014.01.21			
	PTX-187		TEVAQVAR-00007168	TEVAQVAR-00007439	2014.01.21			
	PTX-189		TEVAQVAR-00007440	TEVAQVAR-00007512	2014.01.14			
	PTX-190		TEVAQVAR-00007930	TEVAQVAR-00007936	2014.01.09			
	PTX-191		TEVAQVAR-00007937	TEVAQVAR-00007963	2014.01.17			
	PTX-192		TEVAQVAR-00008010	TEVAQVAR-00008011	2014.01.14			
	PTX-193		TEVAQVAR-00008012	TEVAQVAR-00008015	2014.01.15			
	PTX-194		TEVAQVAR-00008077	TEVAQVAR-00008080	2014.01.15			
	PTX-195		TEVAQVAR-00008081	TEVAQVAR-00008090	2014.01.15			
	PTX-196		TEVAQVAR-00008091	TEVAQVAR-00008099	2014.01.15			d

**TEVA'S EXHIBIT LIST**

**ATTORNEYS' EYES ONLY**

JTX No.	PTX No.	DTX No.	Beg Bates	End Bates	Date	Description	Plaintiffs' Objections	Defendants' Objections
	PTX-197		TEVAQVAR-00008110	TEVAQVAR-00008112	2014.01.15			
	PTX-198		TEVAQVAR-00008418	TEVAQVAR-00008482	2014.01.21			
	PTX-199		TEVAQVAR-00008623	TEVAQVAR-00008642	2014.01.16			
	PTX-200		TEVAQVAR-00008648	TEVAQVAR-00008705	2014.01.17			
	PTX-201		TEVAQVAR-00008706	TEVAQVAR-00008721	2014.01.14			
	PTX-202		TEVAQVAR-00010071	TEVAQVAR-00010096	2014.05.13			
	PTX-203		TEVAQVAR-00010727	TEVAQVAR-00010751	2014.05.22			
	PTX-204		TEVAQVAR-00011181	TEVAQVAR-00011208	2014.11.12			
	PTX-205		TEVAQVAR-00015375	TEVAQVAR-00015375	2017.08.07			
	PTX-206		TEVAQVAR-00016907	TEVAQVAR-00016908	2017.11.13			
	PTX-207		TEVAQVAR-00017514	TEVAQVAR-00017515	2018.01.30			
	PTX-208		TEVAQVAR-00031848	TEVAQVAR-00031860	2009.12.04			
	PTX-209		TEVAQVAR-00032306	TEVAQVAR-00032309	2010.03.12			
	PTX-210		TEVAQVAR-00032308	TEVAQVAR-00032308				
	PTX-211		TEVAQVAR-00032309	TEVAQVAR-00032309				
	PTX-212		TEVAQVAR-00052614	TEVAQVAR-00052623	2011.12.06			
	PTX-213		TEVAQVAR-00052952	TEVAQVAR-00052972	2011.10.14			
	PTX-214		TEVAQVAR-00066638	TEVAQVAR-00066673	2012.03.07			
	PTX-215		TEVAQVAR-00122131	TEVAQVAR-00122142	2009.11.30			
	PTX-216		TEVAQVAR-00458910	TEVAQVAR-00458921	2009.02.26			
	PTX-217		TEVAQVAR-00459254	TEVAQVAR-00459270	2009.05.29			
	PTX-218		TEVAQVAR-00459271	TEVAQVAR-00459278	2009.11.02			
	PTX-219		TEVAQVAR-00459279	TEVAQVAR-00459282	2009.03.18			
	PTX-220		TEVAQVAR-00459317	TEVAQVAR-00459334	2009.03.18			
	PTX-221		TEVAQVAR-00459448	TEVAQVAR-00459456	2009.06.22			
	PTX-222		TEVAQVAR-00460425	TEVAQVAR-00460475	2009.11.29			
	PTX-223		TEVAQVAR-00460476	TEVAQVAR-00460509	2009.11.23			
	PTX-224		TEVAQVAR-00460593	TEVAQVAR-00460605	2010.06.01			
	PTX-225		TEVAQVAR-00461166	TEVAQVAR-00461168	2010.02.22			
	PTX-226		TEVAQVAR-00461169	TEVAQVAR-00461171	2010.02.22			
	PTX-227		TEVAQVAR-00461310	TEVAQVAR-00461363	2009.09.11			
	PTX-228		TEVAQVAR-00461453	TEVAQVAR-00461461	2010.02.25			
	PTX-229		TEVAQVAR-00461522	TEVAQVAR-00461533	2009.11.29			
	PTX-230		TEVAQVAR-00461534	TEVAQVAR-00461608	2009.11.29			
	PTX-231		TEVAQVAR-00462022	TEVAQVAR-00462028	2009.12.02			
	PTX-232		TEVAQVAR-00465753	TEVAQVAR-00465754	2010.04.27		Y (end bates wrong, not a design drawing)	
	PTX-233		TEVAQVAR-00465767					
	PTX-234		TEVAQVAR-00465899	TEVAQVAR-00465958	2010.01.21		Y (end bates wrong)	
	PTX-235		TEVAQVAR-00539307	TEVAQVAR-00539307	2009.12.16			
	PTX-236		TEVAQVAR-00539308	TEVAQVAR-00539308	2011.07.14			
	PTX-237		TEVAQVAR-00539310	TEVAQVAR-00539311	2009.11.23			
	PTX-238		TEVAQVAR-00539312	TEVAQVAR-00539312	2009.12.15			
	PTX-239		TEVAQVAR-00539313	TEVAQVAR-00539314	2010.01.29			
	PTX-240		TEVAQVAR-00539315	TEVAQVAR-00539315	2009.11.05			
	PTX-241		TEVAQVAR-00539316	TEVAQVAR-00539316	2009.12.16			
	PTX-242		TEVAQVAR-00539317	TEVAQVAR-00539317	2011.11.05			
	PTX-243		TEVAQVAR-00539318	TEVAQVAR-00539318	2011.07.15			
	PTX-244		TEVAQVAR-00539319	TEVAQVAR-00539319	2011.07.15			
	PTX-245		TEVAQVAR-00539320	TEVAQVAR-00539321	2009.10.30			
	PTX-246		TEVAQVAR-00699825	TEVAQVAR-00699830	2009.10.27			
	PTX-247		TEVAQVAR-00734380	TEVAQVAR-00734382	2010.03.16		Y (date wrong)	
	PTX-248		TEVAQVAR-00734383	TEVAQVAR-00734387				
	PTX-249		TEVAQVAR-00737016	TEVAQVAR-00737022				
	PTX-250		TEVAQVAR-00745295	TEVAQVAR-00745296	2010.04.19			

**TEVA'S EXHIBIT LIST**

**ATTORNEYS' EYES ONLY**

JTX No.	PTX No.	DTX No.	Beg Bates	End Bates	Date	Description	Plaintiffs' Objections	Defendants' Objections
	PTX-251		TEVAQVAR-00745297	TEVAQVAR-00745297	2010.04.21			
	PTX-252		TEVAQVAR-00760544	TEVAQVAR-00760557	2009.08.10			
	PTX-253		TEVAQVAR-00760568	TEVAQVAR-00760578	2009.08.06			
	PTX-254		TEVAQVAR-00760590	TEVAQVAR-00760603	2009.12.18			
	PTX-255		TEVAQVAR-00760606	TEVAQVAR-00760674	2009.07.20			
	PTX-256		TEVAQVAR-00760793	TEVAQVAR-00760808	2012.08.05			
	PTX-257		TEVAQVAR-00761426	TEVAQVAR-00761528	2010.06.23			
	PTX-259		TEVAQVAR-00761993	TEVAQVAR-00762006	2010.06.01			
	PTX-260		TEVAQVAR-00763343	TEVAQVAR-00763397	2009.09.09			
	PTX-261		TEVAQVAR-00763398	TEVAQVAR-00763429	2009.09.09			
	PTX-262		TEVAQVAR-00763430	TEVAQVAR-00763431	2009.09.09			
	PTX-263		TEVAQVAR-00763452	TEVAQVAR-00763502	2009.11.13			
	PTX-264		TEVAQVAR-00763503	TEVAQVAR-00763519	2009.09.09			
	PTX-265		TEVAQVAR-00763520	TEVAQVAR-00763539	2009.10.05			
	PTX-266		TEVAQVAR-00763540	TEVAQVAR-00763551	2009.11.02			
	PTX-267		TEVAQVAR-00763552	TEVAQVAR-00763626	2009.10.20			
	PTX-268		TEVAQVAR-00763677	TEVAQVAR-00763704	2009.11.23			
	PTX-269		TEVAQVAR-00764074	TEVAQVAR-00764075	2006.02.03			
	PTX-270		TEVAQVAR-00764076	TEVAQVAR-00764078	2009.11.23			
	PTX-271		TEVAQVAR-00764079	TEVAQVAR-00764080	2011.11.05			
	PTX-272		TEVAQVAR-00764081	TEVAQVAR-00764082	2011.07.15			
	PTX-273		TEVAQVAR-00764083	TEVAQVAR-00764084	2011.07.15			
	PTX-274		TEVAQVAR-00764085	TEVAQVAR-00764087	2011.09.05			
	PTX-275		TEVAQVAR-00764088	TEVAQVAR-00764089	2009.12.16			
	PTX-276		TEVAQVAR-00764090	TEVAQVAR-00764091	2011.08.17			
	PTX-277		TEVAQVAR-00764092	TEVAQVAR-00764093	2006.01.20			
	PTX-278		TEVAQVAR-00764096	TEVAQVAR-00764098	2012.01.10			
	PTX-279		TEVAQVAR-00764099	TEVAQVAR-00764101	2009.11.23			
	PTX-280		TEVAQVAR-00764323	TEVAQVAR-00764353	2015.06.30			
	PTX-282		TEVAQVAR-00764907	TEVAQVAR-00764946				
	PTX-283		TEVAQVAR-00765203	TEVAQVAR-00765213	2012.02.29			
	PTX-284		TEVAQVAR-00765227	TEVAQVAR-00765235	2012.08.05			
	PTX-285		TEVAQVAR-00765354	TEVAQVAR-00765367	2014.07.09			
	PTX-286		TEVAQVAR-00765368	TEVAQVAR-00765382	2012.05.04			
	PTX-287		TEVAQVAR-00765383	TEVAQVAR-00765383	2017.04.25		Y (QVAR HFA MDI with an integrated Dose Counter Design History File Index)	
	PTX-288		TEVAQVAR-00765404	TEVAQVAR-00765417	2012.01.13			
	PTX-289		TEVAQVAR-00765418	TEVAQVAR-00765810	2012.09.19			
	PTX-290		TEVAQVAR-00766582	TEVAQVAR-00766585	2002.00.00			R, U, Y (begin bates is wrong)
	PTX-291		TEVAQVAR-00771686	TEVAQVAR-00771699	2009.12.15			
	PTX-292		TEVAQVAR-00771688	TEVAQVAR-00771689	2009.11.05			
	PTX-293		TEVAQVAR-00771690	TEVAQVAR-00771691				
	PTX-294		TEVAQVAR-00771691	TEVAQVAR-00771691	2009.11.05			
	PTX-295		TEVAQVAR-00771692	TEVAQVAR-00771694				
	PTX-296		TEVAQVAR-00771693	TEVAQVAR-00771694	2009.11.23			
	PTX-297		TEVAQVAR-00771695	TEVAQVAR-00771696				
	PTX-298		TEVAQVAR-00771696	TEVAQVAR-00771696	2009.11.05			
	PTX-299		TEVAQVAR-00771697					
	PTX-300		TEVAQVAR-00771698	TEVAQVAR-00771699	2009.12.00			

## **TEVA'S EXHIBIT LIST**

# ATTORNEYS' EYES ONLY

## **TEVA'S EXHIBIT LIST**

## ATTORNEYS' EYES ONLY

## TEVA'S EXHIBIT LIST

## ATTORNEYS' EYES ONLY

**TEVA'S EXHIBIT LIST**

**ATTORNEYS' EYES ONLY**

JTX No.	PTX No.	DTX No.	Beg Bates	End Bates	Date	Description	Plaintiffs' Objections	Defendants' Objections
	PTX-378		CIPLA-BDI_0874639	CIPLA-BDI_0874640	2011.01.03			
	PTX-379		CIPLA-BDI_0788345	CIPLA-BDI_0788348	2014.05.28			
	PTX-380		CIPLA-BDI_0876040	CIPLA-BDI_0876090	2014.05.29			
	PTX-381		CIPLA-BDI_0783819	CIPLA-BDI_0783858				
	PTX-382		N/A	N/A	2017.07.25			
	PTX-383		CIPLA-BDI_0788356	CIPLA-BDI_0788356	2014.06.06			
	PTX-384		CIPLA-BDI_0788357	CIPLA-BDI_0788376	2013.08.05			
	PTX-385		CIPLA-BDI_0793493	CIPLA-BDI_0793506	2016.05.10			
	PTX-386		CIPLA-BDI_0878621	CIPLA-BDI_0878625	2015.10.26			
	PTX-387		CIPLA-BDI_0798008	CIPLA-BDI_0798008	2018.10.17			LF, H
	PTX-388		CIPLA-BDI_0791425	CIPLA-BDI_0791431	2015.03.05			H
	PTX-389		CIPLA-BDI_0793930	CIPLA-BDI_0793937	2016.08.01			H
	PTX-390		CIPLA-BDI_0796691	CIPLA-BDI_0796728	2017.11.02			H
	PTX-391		CIPLA-BDI_0783800	CIPLA-BDI_0783817	2012.04.16			
	PTX-392		CIPLA-BDI_0790405	CIPLA-BDI_0790406	2018.05.09			
	PTX-393		N/A	N/A				
	PTX-394		CIPLA-BDI_0996243	CIPLA-BDI_0996243	2021.06.14			
	PTX-395		N/A	N/A	N/A			
	PTX-396		N/A	N/A	N/A			
	PTX-397		N/A	N/A	N/A			
	PTX-398		N/A	N/A	N/A			
	PTX-399		N/A	N/A	N/A			
	PTX-400		N/A	N/A	N/A			
	PTX-401		N/A	N/A	N/A			
	PTX-402		TEVAQVAR-00032573	TEVAQVAR-00032579	2003.03.00			

**TEVA'S EXHIBIT LIST**

**ATTORNEYS' EYES ONLY**

JTX No.	PTX No.	DTX No.	Beg Bates	End Bates	Date	Description	Plaintiffs' Objections	Defendants' Objections
	PTX-403		TEVAQVAR-00729706	TEVAQVAR-00729713	2006.12.18			
	PTX-404		TEVAQVAR-00729485	TEVAQVAR-00729495				
	PTX-405		TEVAQVAR-00034974	TEVAQVAR-00034975				
	PTX-406		TEVAQVAR-00475209	TEVAQVAR-00475223	2009.10.21			
	PTX-407		TEVAQVAR-00495552	TEVAQVAR-00495580	2010.09.13			
	PTX-408		TEVAQVAR-00458922	TEVAQVAR-00458935				
	PTX-409		N/A	N/A	N/A			
	PTX-410		N/A	N/A	N/A			
	PTX-411		CIPLA_P_000045	CIPLA_P_000045	N/A			
	PTX-412		CIPLA_P_000046	CIPLA_P_000046	N/A			
	PTX-413		N/A	N/A	N/A			
	PTX-414		N/A	N/A	N/A			
	PTX-415		N/A	N/A	2020.06.04			
	PTX-416		N/A	N/A	2002.00.00			
	PTX-417		N/A	N/A	2008.07.15			
	PTX-418		N/A	N/A	N/A			
	PTX-419		N/A	N/A	N/A			
	PTX-420		N/A	N/A	N/A			
	PTX-421		N/A	N/A	N/A			
	PTX-422		N/A	N/A	N/A			
	PTX-423		N/A	N/A	N/A			
	PTX-424		N/A	N/A	N/A			
	PTX-425		N/A	N/A	N/A			
	PTX-426		N/A	N/A	N/A			
	PTX-427		N/A	N/A	N/A			
	PTX-428		N/A	N/A	N/A			
	PTX-429		N/A	N/A	N/A			
	PTX-430		N/A	N/A	N/A			
	PTX-431		N/A	N/A	2012.01.31			
	PTX-432		N/A	N/A	2008.02.28			
	PTX-433		N/A	N/A	2022.06.14			

**TEVA'S EXHIBIT LIST**

**ATTORNEYS' EYES ONLY**

JTX No.	PTX No.	DTX No.	Beg Bates	End Bates	Date	Description	Plaintiffs' Objections	Defendants' Objections
	PTX-434		N/A	N/A	2007.11.01			
	PTX-435		N/A	N/A	2022.01.19			
	PTX-436		N/A	N/A	2022.01.28			
	PTX-437		N/A	N/A	2022.01.21			
	PTX-438		N/A	N/A	2022.01.26			
	PTX-439		N/A	N/A	2022.03.04			
	PTX-440		N/A	N/A	2022.03.07			
	PTX-441		N/A	N/A	2022.03.08			
	PTX-442		N/A	N/A	2022.03.08			
	PTX-443		TEVAQVAR-00121994	TEVAQVAR-00121997	2009.07.28		LF, H, ND, R, C	
	PTX-444		TEVAQVAR-00124433	TEVAQVAR-00124434	2009.07.06		LF, H, ND, R, C	
	PTX-445		TEVAQVAR-00491233	TEVAQVAR-00491233	2009.07.07		LF, H, ND, R, C	
	PTX-446		TEVAQVAR-00491277	TEVAQVAR-00491277	2009.07.17		LF, H, ND, R, C	
	PTX-447		TEVAQVAR-00491278	TEVAQVAR-00491280	2009.07.15		LF, H, ND, R, C	

\* Teva reserves the right to amend and/or supplement this exhibit list, including in response to Defendants' disclosures. Teva further reserves the right to rely on an exhibit listed on Defendants' proposed exhibit list.

Defendants utilize the following abbreviations for objections to Plaintiffs' trial exhibit list and deposition designations.

<b>Code</b>	<b>Objection</b>
A	Authenticity (FRE 901)
Arg	Argumentative
AT	Attorney Objections Not Removed
B	Not Best Evidence Rule Prohibits Introduction (FRE 1002, 1003 and/or 1004)
BS	Beyond the Scope of Direct / Cross / Redirect Examination; answer beyond scope of question
30(b)(6)	Beyond the Scope of the Rule 30(b)(6) Deposition Topic
C	Cumulative, Duplicative, Wasteful or Undue Delay (FRE 403)
Char	Improper Character Evidence (FRE 404)
Cmpd	Compound
D	Demonstrative/Should Not Be Admitted Into Evidence
Db	Subject to Daubert Motion
F	Form (including hypothetical, calling for opinion testimony, document speaks for itself, asked and answered, narrative, confusing, misleading, ambiguous, vague, unintelligible, argumentative, misstates evidence, cumulative, assumes facts not in evidence)
H	Hearsay/Improper Use of Deposition (FRE 802 and/or FRCP 32)
I	Reserved Because Exhibit Has Not Been Provided, the Copy Provided Is Illegible and/or the Entry Includes Multiple Documents
IC	Improper Designation / Counter Designation (FRE 106; FRCP 32(a)(6))
In	Incomplete Testimony (FRE 106; FRCP 32(a)(6))
L	Lack of Personal Knowledge or Competency (FRE 602)
LA	Limited Admissibility (Admissible for Some Purposes but Not Others) (FRE 105)
LC	Legal Conclusion
LD	Leading (FRE 611)
LF	Lack of Foundation (FRE 103, 104 and/or 105)
M	Misleading/Mischaracterizes Prior Testimony (FRE 401-403, 611)

<b>Code</b>	<b>Objection</b>
MD	Mischaracterizes Underlying Document (FRE 401-403, 611)
ML	Subject to Motion In Limine
NE	Assumes Facts Not In Evidence
ND	Not disclosed or identified by Plaintiffs in response to one or more Defendants' discovery requests (including in response to interrogatories propounded under FRCP 33) or as required by FRCP 26; not disclosed or identified in Plaintiffs' contentions.
NR	Nonresponsive
NT	Not Testimony
O	Improper Lay or Expert Opinion (FRE 701-703)
OC	Offer to Compromise, Settlement (FRE 408)
P	Unfair, Prejudicial, Confusing, Misleading and/or waste of time (FRE 403)
R	Irrelevant and/or Immaterial (Relevance) (FRE 401/402)
S	Calls for Speculation (FRE 602)
U	Untimely/Never Produced (FRCP 26, 37)
V	Vague/Ambiguous/Overbroad (FRE 611)
W	Privileged/Work Product (FRE 501/502)
X	Incomplete Document (FRE 106)
Y	Wrong Document Identified or Incorrectly Described

# Exhibit F

Teva Brands Pharmaceutical Products R&D, Inc, et al. v. Cipla, Ltd., et al  
Consolidated C.A. No. 2:20-cv-10172 (JXL)(MAH)  
Defendants' Trial Exhibit List

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-001				402, 403, 602, 802
DTX-006		TEVAQVAR-00103948	TEVAQVAR-001039961	402, 403, 602, 802
DTX-007		TEVAQVAR-00105276	TEVAQVAR-000105281	402, 403, 602, 802
DTX-008		TEVAQVAR-00105305	TEVAQVAR-00105306	402, 403, 602, 802
DTX-009				402, 403, 602, 802
DTX-010		TEVAQVAR-00032573	TEVAQVAR-00032579	402, 403, 602, 802
DTX-011		TEVAQVAR-00121443	TEVAQVAR-00121521	402, 403, 602, 802
DTX-012				402, 403, 602, 802
DTX-013		TEVAQVAR-00729706	TEVAQVAR-00729713	402, 403, 602, 802
DTX-014		TEVAQVAR-00729485	TEVAQVAR-00729495	402, 403, 602, 802
DTX-015		TEVAQVAR-00034974	TEVAQVAR-00034975	402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-016		TEVAQVAR-00117253	TEVAQVAR-00117271	402, 403, 602, 802
DTX-017		TEVAQVAR-00085854	TEVAQVAR-00085860	402, 403, 602, 802
DTX-018		TEVAQVAR-00085570	TEVAQVAR-00085570	402, 403, 602, 802
DTX-019		TEVAQVAR-00085571	TEVAQVAR-00085588	402, 403, 602, 802
DTX-020		TEVAQVAR-00475209	TEVAQVAR-00475223	402, 403, 602, 802
DTX-021		TEVAQVAR-00031836	TEVAQVAR-00031840	402, 403, 602, 802
DTX-022		TEVAQVAR-00495552	TEVAQVAR-00495580	402, 403, 602, 802
DTX-023		TEVAQVAR-00458922	TEVAQVAR-00458935	402, 403, 602, 802
DTX-027		CIPLA-BDI_0639823	CIPLA-BDI_0640158	402, 403, 602, 802
DTX-031		CIPLA-BDI_0004411	CIPLA-BDI_0004705	402, 403, 602, 802
DTX-033		CIPLA-BDI_0010839	CIPLA-BDI_0010852	106, 402, 403, 602, 802
DTX-034		CIPLA-BDI_0156579	CIPLA-BDI_0156579	402, 403, 602, 802
DTX-035		CIPLA-BDI_0803837	CIPLA-BDI_0803837	402, 403, 602, 802
DTX-036		CIPLA-BDI_0803838	CIPLA-BDI_0803838	402, 403, 602, 802
DTX-037		CIPLA-BDI_0000805	CIPLA-BDI_0001117	402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-038		CIPLA-BDI_0063192	CIPLA-BDI_0063248	402, 403, 602, 802
DTX-053		CIPLA-BDI_0783800	CIPLA-BDI_0783817	402, 403, 602, 802
DTX-056		CIPLA-BDI_0996243	CIPLA-BDI_0996243	402, 403, 602, 802
DTX-057		CIPLA-BDI_0183908	CIPLA-BDI_0184002	402, 403, 602, 802
DTX-058		CIPLA-BDI_0184721	CIPLA-BDI_0184741	402, 403, 602, 802
DTX-059		CIPLA-BDI_0184396	CIPLA-BDI_0184420	402, 403, 602, 802
DTX-060		CIPLA-BDI_0000001 CIPLA-BDI_0185292 CIPLA-BDI_0577937 CIPLA-BDI_0577966	CIPLA-BDI_0183893 CIPLA-BDI_0185691 CIPLA-BDI_0577965 CIPLA-BDI_0636718	106, 402, 403, 602, 802
DTX-062		CIPLA-BDI_0000970	CIPLA-BDI_0000971	402, 403, 602, 802
DTX-063		CIPLA-BDI_0001387	CIPLA-BDI_0001388	106, 402, 403, 602, 802
DTX-064		CIPLA-BDI_0001747	CIPLA-BDI_0001748	106, 402, 403, 602, 802
DTX-065		CIPLA-BDI_0004591	CIPLA-BDI_0004659	402, 403, 602, 802
DTX-066		CIPLA-BDI_0011393	CIPLA-BDI_0011419	402, 403, 602, 802
DTX-067		CIPLA-BDI_0011547	CIPLA-BDI_0011558	402, 403, 602, 802
DTX-068		CIPLA-BDI_0185292	CIPLA-BDI_0185305	402, 403, 602, 802
DTX-069		CIPLA-BDI_0162106	CIPLA-BDI_0162107	402, 403, 602, 802
DTX-070		CIPLA_P_00001	CIPLA_P_00005	402, 403, 602, 802
DTX-071		CIPLA_P_00006	CIPLA_P_00050	402, 403, 602, 802
DTX-072		CIPLA-BDI_0156595	CIPLA-BDI_0156598	106, 402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-073				402, 403, 602, 802, Insufficient information
DTX-074				402, 403, 602, 802, Insufficient information
DTX-075				402, 403, 602, 802, Insufficient information
DTX-077		TEVADOC_00000011	TEVADOC_00000015	402, 403, 602, 802
DTX-078		CIPLA-BDI_0184184	CIPLA-BDI_0184199	402, 403, 602, 802
DTX-079		TEVADOC_00000001	TEVADOC_00000007	402, 403, 602, 802
DTX-080		TEVADOC_00000046	TEVADOC_00000050	402, 403, 602, 802
DTX-081		TEVADOC_00000008	TEVADOC_00000009	402, 403, 602, 802
DTX-082		TEVADOC_00000010	TEVADOC_00000010	402, 403, 602, 802
DTX-083	n.	CIPLA-BDI_0184747	CIPLA-BDI_0184758	402, 403, 602, 802

EXHIBIT NO.		PRODBEG	PRODEND	Plaintiffs' Objections
DTX-084		CIPLA-BDI_0004047		402, 403, 602, 802, Missing PRODEND
DTX-085		CIPLA-BDI-0003995	CIPLA-BDI_0004029	402, 403, 602, 802
DTX-086		CIPLA-BDI_0996391	CIPLA-BDI_0996393	402, 403, 602, 802
DTX-088		CIPLA-BDI_0996370	CIPLA-BDI_0996390	402, 403, 602, 802
DTX-089		CIPLA-BDI_0996246	CIPLA-BDI_0996304	402, 403, 602, 802
DTX-090		CIPLA-BDI_0996308	CIPLA-BDI_0996329	402, 403, 602, 802
DTX-091		CIPLA-BDI_0996305	CIPLA-BDI_0996307	402, 403, 602, 802
DTX-092		CIPLA-BDI_0996333	CIPLA-BDI_0996389	402, 403, 602, 802
DTX-093		CIPLA-BDI_0996330	CIPLA-BDI_0996332	402, 403, 602, 802
DTX-094				402, 403, 602, 802, Insufficient information
DTX-095				402, 403, 602, 802, Insufficient information
DTX-096				402, 403, 602, 802, Insufficient information
DTX-098		CIPLA-BDI_1016635	CIPLA-BDI_1016647	402, 403, 602, 802
DTX-100				402, 403
DTX-100a				402, 403
DTX-101				402, 403
DTX-102				402, 403
DTX-103				402, 403, 602, 802
DTX-104				402, 403
DTX-105				402, 403

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-106				402, 403
DTX-107				402, 403
DTX-108		TEVAQVAR-00027435	TEVAQVAR-00028752	
DTX-109		TEVAQVAR-00028753	TEVAQVAR-00030980	
DTX-110		TEVAQVAR-00018429	TEVAQVAR-00020702	402, 403, 602, 802
DTX-111		TEVAQVAR-00020703	TEVAQVAR-00022931	402, 403, 602, 802
DTX-112		TEVAQVAR-00022932	TEVAQVAR-00024953	
DTX-113		TEVAQVAR-00024954	TEVAQVAR-00027244	
DTX-115		CIPLA-BDI_0156170	CIPLA-BDI_0156218	106, 402, 403, 602, 802
DTX-116		CIPLA-BDI_0156219	CIPLA-BDI_0156247	106, 402, 403, 602, 802
DTX-117		CIPLA-BDI_0156248	CIPLA-BDI_0156364	106, 402, 403, 602, 802
DTX-118		CIPLA-BDI_0156365	CIPLA-BDI_0156481	106, 402, 403, 602, 802
DTX-119				106, 402, 403, 602, 802
DTX-120				106, 402, 403, 602, 802
DTX-121				106, 402, 403, 602, 802
DTX-123				106, 402, 403, 602, 802
DTX-124				106, 402, 403, 602, 802
DTX-125				106, 402, 403, 602, 802
DTX-126				106, 402, 403, 602, 802
DTX-128				106, 402, 403, 602, 802
DTX-129				106, 402, 403, 602, 802
DTX-130				106, 402, 403, 602, 802
DTX-131				106, 402, 403, 602, 802
DTX-132				106, 402, 403, 602, 802
DTX-133				106, 402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-134				106, 402, 403, 602, 802
DTX-136				106, 402, 403, 602, 802
DTX-137		CIPLA-BDI_0184347	CIPLA-BDI_0184356	402, 403, 602, 802
DTX-138		CIPLA-BDI_0184372	CIPLA-BDI_0184378	402, 403, 602, 802
DTX-139		CIPLA-BDI_018379	CIPLA-BDI_0183390	402, 403, 602, 802
DTX-140				402, 403, 602, 802, Insufficient information (No Bates No. or Exhibit No.)
DTX-141				402, 403, 602, 802, Insufficient information (No Bates No. or Exhibit No.)
DTX-142		TEVAQVAR-00031250	TEVAQVAR-00031282	
DTX-143		TEVAQVAR-00031219	TEVAQVAR-00031249	
DTX-144		TEVAQVAR-00031089	TEVAQVAR-00031121	402, 403, 602, 802
DTX-145		TEVAQVAR-00031122	TEVAQVAR-00031154	
DTX-146		TEVAQVAR-00031155	TEVAQVAR-00031186	
DTX-147		TEVAQVAR-00031187	TEVAQVAR-00031218	402, 403, 602, 802
DTX-148		CIPLA-BDI_0156580	CIPLA-BDI_0156594	402, 403, 602, 802
DTX-149		TEVAQVAR-00031057	TEVAQVAR-00031088	402, 403, 602, 802
DTX-152		CIPLA-BDI_0184988	CIPLA-BDI_0185008	402, 403, 602, 802
DTX-153		CIPLA-BDI_0184315	CIPLA-BDI_0184328	402, 403, 602, 802
DTX-154		CIPLA-BDI_0184329	CIPLA-BDI_0184337	402, 403, 602, 802
DTX-155		CIPLA-BDI_0184944	CIPLA-BDI_0184973	402, 403, 602, 802
DTX-156		CIPLA-BDI_0184291	CIPLA-BDI_0184314	402, 403, 602, 802
DTX-157		CIPLA-BDI_0185009	CIPLA-BDI_0185061	402, 403, 602, 802
DTX-158		CIPLA-BDI_0185277	CIPLA-BDI_0185291	402, 403, 602, 802
DTX-159		CIPLA-BDI_0184200	CIPLA-BDI_0185213	402, 403, 602, 802
DTX-160		CIPLA-BDI_0185356	CIPLA-BDI_0185415	402, 403, 602, 802
DTX-161		CIPLA-BDI_0184003	CIPLA-BDI_0184099	402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-162		CIPLA-BDI_0184693	CIPLA-BDI_0184720	402, 403, 602, 802
DTX-163		CIPLA-BDI_0184214	CIPLA-BDI_0184290	402, 403, 602, 802
DTX-164		CIPLA-BDI_0184646	CIPLA-BDI_0184692	402, 403, 602, 802
DTX-165		CIPLA-BDI_0184421	CIPLA-BDI_0184469	402, 403, 602, 802
DTX-166		CIPLA-BDI_0184888	CIPLA-BDI_0184912	402, 403, 602, 802
DTX-167		CIPLA-BDI_0184913	CIPLA-BDI_0184943	402, 403, 602, 802
DTX-168		CIPLA-BDI_0184742	CIPLA-BDI_0184746	402, 403, 602, 802
DTX-169		CIPLA-BDI_0184759	CIPLA-BDI_0184779	402, 403, 602, 802
DTX-170		CIPLA-BDI_0184554	CIPLA-BDI_0184593	402, 403, 602, 802
DTX-171		CIPLA-BDI_0184507	CIPLA-BDI_0184553	402, 403, 602, 802
DTX-172		CIPLA-BDI_0184470	CIPLA-BDI_0184506	402, 403, 602, 802
DTX-174		CIPLA-BDI_0184391	CIPLA-BDI_0184395	402, 403, 602, 802
DTX-176		TEVAQVAR-00015375	TEVAQVAR-00015376	402, 403, 602, 802
DTX-177		TEVAQVAR-00016907	TEVAQVAR-00016908	402, 403, 602, 802
DTX-178		TEVAQVAR-00033107	TEVAQVAR-00033108	402, 403, 602, 802
DTX-179		TEVAQVAR-00033109	TEVAQVAR-00033111	402, 403, 602, 802
DTX-180		TEVAQVAR-00033129	TEVAQVAR-00033132	402, 403, 602, 802
DTX-181		TEVAQVAR-00105083	TEVAQVAR-00105095	402, 403, 602, 802
DTX-182		TEVAQVAR-00109726	TEVAQVAR-00109746	402, 403, 602, 802
DTX-183		TEVAQVAR-00041789	TEVAQVAR-0041803	402, 403, 602, 802
DTX-184		TEVAQVAR-00044983	TEVAQVAR-00045013	402, 403, 602, 802
DTX-185		TEVAQVAR-00075195	TEVAQVAR-00075196	402, 403, 602, 802
DTX-186		TEVAQVAR-00075197	TEVAQVAR-00075206	402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-187		EVAQVAR-00075207	TEVAQVAR-00075212	402, 403, 602, 802
DTX-189		EVAQVAR-00075241	TEVAQVAR-00075241	402, 403, 602, 802
DTX-190		EVAQVAR-00085600	TEVAQVAR-00085600	402, 403, 602, 802
DTX-191		EVAQVAR-00085601	TEVAQVAR-00085615	402, 403, 602, 802
DTX-192		EVAQVAR-00085667	TEVAQVAR-00085668	402, 403, 602, 802
DTX-193		EVAQVAR-00085669	TEVAQVAR-00085683	402, 403, 602, 802
DTX-194		EVAQVAR00102783	TEVAQVAR00102783	402, 403, 602, 802
DTX-195		EVAQVAR-00102800	TEVAQVAR-00102803	402, 403, 602, 802
DTX-196		EVAQVAR-00135055	TEVAQVAR-00135056	402, 403, 602, 802
DTX-197		EVAQVAR-00459271	TEVAQVAR-00459278	402, 403, 602, 802
DTX-198		EVAQVAR-00459457	TEVAQVAR-00459457	402, 403, 602, 802
DTX-199		EVAQVAR-00474510	EVAQVAR-00474521	402, 403, 602, 802
DTX-200		EVAQVAR-00534994	TEVAQVAR-00535068	402, 403, 602, 802
DTX-201		EVAQVAR-00669163	TEVAQVAR-00669163	402, 403, 602, 802
DTX-202		EVAQVAR-00734294	TEVAQVAR-00734306	402, 403, 602, 802
DTX-203		EVAQVAR-00734307	TEVAQVAR-00734319	402, 403, 602, 802
DTX-204		EVAQVAR-00760544	TEVAQVAR-00760557	402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-205		TEVAQVAR-00760568	TEVAQVAR-00760578	402, 403, 602, 802
DTX-207				402, 403, 602, 802, Insufficient information (No Bates No. or Exhibit No.)
DTX-208		TEVAQVAR-00035704	TEVAQVAR-00035704	402, 403, 602, 802
DTX-209		TEVAQVAR-00131458	TEVAQVAR-00131478	402, 403, 602, 802
DTX-210		TEVAQVAR-00728398	TEVAQVAR-00728431	402, 403, 602, 802
DTX-212		TEVAQVAR-00007141	TEVAQVAR-00007158	402, 403, 602, 802
DTX-213		TEVAQVAR-00153655	TEVAQVAR-00153655	402, 403, 602, 802
DTX-214		TEVAQVAR-00491431	TEVAQVAR-00491431	402, 403, 602, 802
DTX-215		TEVAQVAR-00544412	TEVAQVAR-00544413	402, 403, 602, 802
DTX-216		TEVAQVAR-00116802	TEVAQVAR-00116804	402, 403, 602, 802
DTX-218				402, 403, 602, 802, Insufficient information
DTX-219		TEVADOC-00000843	TEVADOC-00000843	402, 403, 602, 802
DTX-220		TEVADOC-00000844	TEVADOC-00000844	402, 403, 602, 802
DTX-221		TEVADOC-00000845	TEVADOC-00000845	402, 403, 602, 802
DTX-222		TEVADOC-00000846	TEVADOC-00000846	402, 403, 602, 802
DTX-223				402, 403, 602, 802, Insufficient information (No Bates No. or Exhibit No.)
DTX-224				402, 403, 602, 802, Insufficient information (No Bates No. or Exhibit No.)
DTX-239		TEVAQVAR-00756418	TEVAQVAR-00765810	402, 403, 602, 802
DTX-240		TEVAQVAR-00764085	TEVAQVAR-00764087	402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-241		TEVAQVAR-539307	TEVAQVAR-539307	402, 403, 602, 802
DTX-249		CIPLA-BDI_1016606	CIPLA-BDI_1016607	402, 403, 602, 802
DTX-250		CIPLA-BDI_1016608	CIPLA-BDI_1016634	402, 403, 602, 802
DTX-252				402, 403, 602, 802
DTX-253				402, 403, 602, 802
DTX-254				402, 403, 602, 802
DTX-255				402, 403, 602, 802
DTX-256				402, 403, 602, 802
DTX-257				402, 403, 602, 802
DTX-258				402, 403, 602, 802
DTX-259				
DTX-260		TEVADOC-000000843	TEVADOC-000000843	402, 403, 602, 802
DTX-261		TEVADOC-000000845	TEVADOC-000000845	402, 403, 602, 802
DTX-262		TEVADOC-000000846	TEVADOC-000000846	402, 403, 602, 802
DTX-263				402, 403, 602, 802
DTX-264				402, 403, 602, 802
DTX-265		TEVADOC-000000844	TEVADOC-000000844	402, 403, 602, 802
DTX-266				402, 403, 602, 802
DTX-267				402, 403, 602, 802
DTX-268				
DTX-269				402, 403, 602, 802

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-270		TEVADOC-00000379	TEVADOC-00000405	402, 403, 602, 802
DTX-271		TEVADOC-00000008	TEVADOC-00000009	402, 403, 602, 802
DTX-272		TEVADOC-00000010	TEVADOC-00000010	402, 403, 602, 802
DTX-273				106, 402, 403, 602, 802, Improper exhibit
DTX-274				Likely Duplicate
DTX-275				Likely Duplicate
DTX-276				Likely Duplicate
DTX-277				Likely Duplicate
DTX-278	), TEVADOC-00000744	TEVADOC-00000744		402, 403, 602, 802
DTX-279		TEVADOC-00000379	TEVADOC-00000405	Duplicate, 402, 403, 602, 802
DTX-280		TEVADOC-00000406	TEVADOC-00000407	402, 403, 602, 802
DTX-281	s,	TEVADOC-00000312	TEVADOC-00000317	402, 403, 602, 802
DTX-282				106, 402, 403, 602, 802, Insufficient information/lack of specificity
DTX-283				106, 402, 403, 602, 802, Insufficient information/lack of specificity

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-284				106, 402, 403, 602, 802, Insufficient information/lack of specificity
DTX-285				106, 402, 403, 602, 802, Insufficient information/lack of specificity
DTX-296		Carr Ex. 9		402, 403, 602, 802
DTX-297		AURO_BECL00509574	AURO_BECL00509654	402, 403, 602, 802
DTX-300		TEVADOC-00000379	TEVADOC-00000405	Duplicate, 402, 403, 602, 802
DTX-301		TEVADOC-00000008	TEVADOC-00000009	Duplicate, 402, 403, 602, 802
DTX-302		TEVADOC-00000010	TEVADOC-00000010	Duplicate, 402, 403, 602, 802
DTX-303		CIPLA-BDI_0184824	CIPLA-BDI_0184837	402, 403, 602, 802
DTX-304	ries			402, 403
DTX-305				402, 403

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
DTX-306				402, 403, 602, 802
DTX-307				402, 403, 602, 802
DTX-308				402, 403, 602, 802
DTX-309				402, 403, 602, 802
DTX-310				402, 403, 602, 802
DTX-311				402, 403, 602, 802
DTX-312				402, 403, 602, 802
DTX-313				402, 403, 602, 802
DTX-314				402, 403, 602, 802
DTX-315				402, 403, 602, 802
DTX-316				402, 403, 602, 802
DTX-317				402, 403, 602, 802
DTX-318				402, 403, 602, 802
DTX-319		CIPLA-BDI_0004647	CIPLA-BDI_0004653	106, 402, 403, 602, 802
DTX-320		CIPLA-BDI_0004638	CIPLA-BDI_0004645	106, 402, 403, 602, 802
DTX-321				

\*Defendants' reserves the right to supplement this exhibit list including to add documents produced by Plaintiffs after the deadline to exchange has passed. Defendants' reserves the right to use any exhibit disclosed on Plaintiffs' proposed trial exhibit list and to revise this proposed exhibit list should Plaintiffs revise their own list.

\*\* Teva's numbered objections refer to the corresponding Federal Rules of Evidence. Teva reserves the right to amend and/or supplement its objections to this exhibit list including to add objections after the deadline to exchange has passed. By setting forth these objections, Teva does not concede that the descriptions of the documents on Defendants' list are necessarily accurate. Teva reserves the right to object further to documents on or added to this list on any basis that depends upon how a document is introduced, for what purpose a document is introduced, and what portion of a document is introduced. Teva reserves the right to object to the use of any exhibit not adequately identified in Defendants' disclosures or for a purpose not adequately identified in those disclosures. Teva reserves the right to introduce any exhibit listed by Defendants.

EXHIBIT NO.	DESCRIPTION	PRODBEG	PRODEND	Plaintiffs' Objections
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\*\*\*Defendants object to Plaintiffs' reservation of rights and object to any attempt by Plaintiffs to amend their objections to Defendants' proposed trial exhibits at trial. The parties agreed to a procedure for identifying and objecting to trial exhibits, and to the extent Plaintiffs failed to include an objection, they should not be able to raise such an objection for the first time at trial. Further, Plaintiffs appear to have indiscriminately objected to nearly all of Defendants' proposed trial exhibits. Defendants disagree with these indiscriminate objections, but to the extent any of Plaintiffs' objections are sustained, Plaintiffs' designation of the same exhibits as trial exhibits is also subject to the same objections and Plaintiffs should be prevented from introducing any such exhibit for the same reason.

# **Exhibit G**

Liza M. Walsh  
Katelyn O'Reilly  
William T. Walsh, Jr.  
Walsh Pizzi O'Reilly Falanga LLP  
Three Gateway Center  
100 Mulberry Street, 15th Floor  
Newark, NJ 07102  
(973) 757-1100

*Attorneys for Plaintiff*  
*Teva Branded Pharmaceutical*  
*R&D Inc. and Norton (Waterford) Ltd.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TEVA BRANDED PHARMACEUTICAL	:	Consolidated Civil Action No. 20-10172
PRODUCTS R&D, INC., and	:	(JXN)(MAH)
NORTON (WATERFORD) LTD.,	:	
	:	
Plaintiffs,	:	CONFIDENTIAL –
	:	SUBJECT TO DISCOVERY
v.	:	CONFIDENTIALITY ORDER
	:	
CIPLA LTD., AUROBINDO PHARMA	:	
LLC, AUROBINDO PHARMA USA,	:	
INC., and AUROLIFE PHARMA LLC,	:	
	:	
Defendants.	:	
	:	

**PLAINTIFFS TEVA BRANDED PHARMACEUTICAL PRODUCTS  
R&D, INC. AND NORTON (WATERFORD) INC.'S  
LIST OF FACTS FOR JUDICIAL NOTICE**

Pursuant to the Parties' agreement, as memorialized in the Parties' correspondence, Plaintiffs Teva Branded Pharmaceutical Products R&D, Inc. and Norton (Waterford) Ltd. respectfully submits the below list of facts for judicial notice. Teva further believes that many of the facts listed below are undisputed or not reasonably subject to dispute, and in listing these facts, Teva in no way forfeits its right to include these or additional facts in the stipulation of undisputed facts.

1. Each of the Asserted Patents claims priority, directly or indirectly, to U.S. Patent Application No. 13/110,532 ("532 Application"), which was filed on May 18, 2011, and names Declan Walsh, Derek Fenlon, Simon Kaar, Jan Geertz Hazenberg, Daniel Buck, Paul Clancy, Robert Charles Uschold, and Jeffrey A. Karg (the "Named Inventors") as the inventors.

2. U.S. Patent Application No. 14/103,324 (the "'324 Application") was filed on December 11, 2013, and issued as the '289 Patent on October 11, 2016. The '324 Application names the Named Inventors as the inventors.

3. U.S. Patent Application No. 15/269,249 (the "'249 Application") was filed on September 19, 2016, and issued as the '587 Patent on November 7, 2017. The '249 Application names the Named Inventors as the inventors.

4. U.S. Patent Application No. 15/262,818 (the "'818 Application") was filed on September 12, 2016, as a continuation of U.S. Application No. 14,699,584 (the "'584 Application"), which was filed on April 29, 2015. The '818 Application issued as the '808 Patent on February 18, 2020. The '818 Application names the Named Inventors as the Inventors.

5. On March 1, 2016, February 29, 2016, March 4, 2016, March 4, 2016, and March 3, 2016, Declan Walsh, Derek Fenlon, Simon Kaar, Jan Geertz Hazenberg, and Daniel Buck, respectively, executed a corrective assignment, assigning their interest in the '532 Application,

including their interest in “all divisions, continuations, and continuations-in-part thereof,” to Ivax Pharmaceuticals Ireland. On October 21, 2016, USPTO recorded the assignment at Reel 040459, Frames 0356-0369 (JTX/PTX-017).

6. On February 24, 2016, Paul Clancy executed a corrective assignment assigning his interest in the '532 Application, including his interest in “all divisions, continuations, and continuations-in-part thereof,” to Norton (Waterford) Ltd. On October 21, 2016, the U.S. Patent & Trademark Office (“USPTO”) recorded the assignments at Reel 040459, Frames 0329-0334 (JTX/PTX-016).

7. On May 18, 2011, Robert Charles Uschold and Jeffrey A. Karg executed an assignment, assigning their interest in the '532 Application, including their interest in “all divisions, continuations, and continuations-in-part thereof,” to Nypro, Inc. On July 8, 2015, USPTO recorded the assignment at Reel 036027, Frames 0001-0006 (JTX/PTX-010).

8. On February 6, 2016, Nypro, Inc. executed a corrective assignment its interest in the '532 Application, including his interest in “all divisions, continuations, and continuations-in-part thereof,” to Teva Pharmaceuticals Ireland. On October 21, 2016, USPTO recorded the assignment at Reel 040459, Frames 0702-0706 (JTX/PTX-018).

9. Other than the parties above, USPTO’s assignment records do not list any party with a present interest in the Asserted Patents.

10. The Republic of Ireland’s Companies Registration Office (“CRO”) lists Ivax Pharmaceuticals Ireland as a trading name of Norton (Waterford) Ltd. (PTX-019, PTX-021).

11. The CRO lists Teva Pharmaceuticals Ireland as a trading name of Norton (Waterford) Ltd. (PTX-020, PTX-022).